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26 Department of Revenue and the Office of Insurance
 27 Regulation to adopt rules; providing that an insurer
 28 claiming the tax credit is not required to pay any
 29 additional retaliatory tax; providing definitions;
 30 creating s. 456.47, F.S.; providing definitions;
 31 establishing certain practice standards for telehealth
 32 providers; providing for the maintenance and
 33 confidentiality of medical records; providing
 34 registration requirements for out-of-state telehealth
 35 providers; requiring the Department of Health to
 36 publish certain information on its website;
 37 authorizing a board or the department if there is no
 38 board, to revoke a telehealth provider's registration
 39 under certain circumstances; providing venue;
 40 providing exemptions to the registration requirement;
 41 providing an appropriation and authorizing positions;
 42 providing rulemaking authority; amending s. 464.003,
 43 F.S.; revising and providing definitions; re-
 44 designating advanced registered nurse practitioners as
 45 advanced practice registered nurses; providing for
 46 independent advanced practice registered nurses to
 47 practice advanced or specialized nursing and without
 48 the supervision of a physician or protocol; creating a
 49 joint committee to determine the medical acts that may
 50 be performed by independent advanced practice

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51 registered nurses and advanced practice registered
 52 nurses; amending s. 464.012, F.S.; revising advanced
 53 practice registered nurse certification requirements;
 54 creating s. 464.0125, F.S.; providing for the
 55 registration of an independent advanced practice
 56 registered nurse who meet certain requirement;
 57 specifying acts that independent advanced practice
 58 registered nurses are authorized to perform without
 59 physician supervision or protocol; providing for
 60 biennial renewal of registration, including continuing
 61 education requirements; providing for application and
 62 biennial renewal fees; providing rulemaking authority;
 63 amending s. 464.015, F.S.; providing title protection
 64 for independent advanced practice registered nurses;
 65 creating s. 464.0155, F.S.; requiring independent
 66 advanced practice registered nurses to report adverse
 67 incidents to the Department of Health in a certain
 68 manner; providing for department review of adverse
 69 incidents; authorizing the department to take
 70 disciplinary action in cases of adverse incidents;
 71 amending s. 464.016, F.S.; providing penalties for
 72 illegally using certain titles; amending s. 464.018,
 73 F.S.; adding grounds for disciplinary actions against
 74 nurses; amending s. 39.303, F.S.; revising
 75 requirements relating to review of certain cases of

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76 | abuse or neglect and standards for face-to-face
 77 | medical evaluations by a child protection team;
 78 | amending s. 39.304, F.S.; authorizing a physician
 79 | assistant and an independent advanced practice
 80 | registered nurse to perform or order an examination
 81 | and diagnose a child without parental consent under
 82 | certain circumstances; amending s. 90.503, F.S.;
 83 | redefining the term "psychotherapist" to include an
 84 | independent advanced practice registered nurse with a
 85 | specified scope of practice; amending s. 112.0455,
 86 | F.S.; authorizing an independent advanced practice
 87 | registered nurse to collect specimens for drug
 88 | testing; amending s. 121.0515, F.S.; designating an
 89 | advanced practice registered nurse as a special risk
 90 | member under certain conditions; amending ss. 310.071,
 91 | 310.073, and 310.081, F.S.; authorizing a physician
 92 | assistant and an independent advanced practice
 93 | registered nurse to administer the physical
 94 | examination required for deputy pilot certification
 95 | and state pilot licensure; broadening an exception to
 96 | the prohibition against the use of controlled
 97 | substances by an applicant for a deputy pilot
 98 | certificate or a state pilot license to allow the use
 99 | of controlled substances prescribed by a physician
 100 | assistant, an independent advanced practice registered

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101 nurse, or an advanced practice registered nurse;
 102 requiring a physician assistant or an independent
 103 advanced practice registered nurse performing the
 104 physical examination to know the minimum licensure
 105 standards and certify that such standards are met;
 106 amending s. 320.0848, F.S.; authorizing an independent
 107 advanced practice registered nurse to certify that a
 108 person is disabled; amending s. 381.00315, F.S.;
 109 authorizing the reactivation of an independent
 110 advanced practice registered nurse license in a public
 111 health emergency; amending s. 381.00593, F.S.;
 112 redefining the term "health care practitioner" to
 113 include a physician assistant and an independent
 114 advanced practice registered nurse; amending s.
 115 381.026, F.S.; revising the definition of the term
 116 "health care provider" to include a physician
 117 assistant and an independent advanced practice
 118 registered nurse; amending s. 382.008, F.S.;
 119 authorizing a physician assistant, an independent
 120 advanced practice nurse, or an advanced practice
 121 registered nurse to file a certificate of death or
 122 fetal death under certain circumstances; authorizing a
 123 certified nurse midwife to provide certain information
 124 to a funeral director within a specified time period;
 125 revising the definition of the term "primary or

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126 attending physician"; amending s. 383.14, F.S.;

127 authorizing the release of certain newborn tests and

128 screening results to an independent advanced practice

129 registered nurse; amending ss. 383.141, 627.357, and

130 766.1115, F.S.; revising the definition of the term

131 "health care provider" to include an independent

132 advanced practice registered nurse; amending s.

133 384.27, F.S., authorizing an independent advanced

134 practice registered nurse to provide expedited partner

135 therapy; amending s. 390.0111, F.S.; including an

136 independent advanced practice registered nurse in a

137 list of health care practitioners authorized to review

138 an ultrasound with a woman prior to an abortion

139 procedure; amending s. 390.012, F.S.; including an

140 independent advanced practice registered nurse in a

141 list of health care practitioners authorized to

142 provide postoperative monitoring and required to be

143 available throughout an abortion procedure, remain at

144 the abortion clinic until all patients are discharged,

145 and attempt to assess the patient's recovery within a

146 specified time; amending s. 394.455, F.S.; revising

147 the definition of the term "psychiatric nurse" to

148 include an independent advanced practice registered

149 nurse certified in a specified specialty; amending s.

150 394.463, F.S.; authorizing a physician assistant, an

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151 independent advanced practice registered nurse, or an
 152 advanced practice registered nurse to initiate an
 153 involuntary examination for mental illness under
 154 certain circumstances; providing for examination of a
 155 patient by a physician assistant or psychiatric nurse;
 156 authorizing a psychiatric nurse to approve the release
 157 of a patient under certain conditions; amending s.
 158 395.0191, F.S.; authorizing an independent advanced
 159 practice registered nurse to apply for clinical
 160 privileges; providing an exception to the requirement
 161 for onsite medical direction for certain independent
 162 advanced practice registered nurses; amending s.
 163 395.605, F.S.; including independent advanced practice
 164 registered nurses in a list of health care
 165 practitioners who must supervise the care of a patient
 166 or be on duty for a specified duration in an emergency
 167 care setting; amending s. 397.311, F.S.; revising the
 168 definition of the term "qualified professional" to
 169 include an independent advanced practice registered
 170 nurse; conforming terminology; amending s. 397.405,
 171 F.S.; providing that an independent advanced practice
 172 registered nurse's practice may not be limited under
 173 certain circumstances; amending s. 397.501, F.S.;

174 prohibiting the denial of certain services to an
 175 individual who takes medication prescribed by a

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176 physician assistant, an independent advanced practice
 177 registered nurse, or an advanced practice registered
 178 nurse; amending ss. 397.6792 and 397.6793, F.S.;
 179 revising the list of persons authorized to initiate a
 180 certificate for an emergency admission for a person
 181 who is substance abuse impaired; amending s. 400.021,
 182 F.S.; revising the definition of the term "geriatric
 183 outpatient clinic" to include a site staffed by an
 184 independent advanced practice registered nurse;
 185 amending s. 400.0255, F.S.; including independent
 186 advanced practice registered nurses in a list of
 187 health care practitioners who must sign a notice of
 188 discharge or transfer; amending s. 400.172, F.S.;
 189 including independent advanced practice registered
 190 nurses and advanced practice registered nurses in a
 191 list of health care practitioners who may provide a
 192 prospective respite care resident with certain medical
 193 information; amending s. 400.462, F.S.; defining the
 194 term "independent advanced practice registered nurse";
 195 amending s. 400.487, F.S.; including independent
 196 advanced practice registered nurses in a list of
 197 health care practitioners who must establish treatment
 198 orders for certain patients under certain
 199 circumstances; amending s. 400.506, F.S.; applying
 200 medical treatment plan requirements to independent

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201 advanced practice registered nurses; amending s.
 202 400.9905, F.S.; exempting entities where health care
 203 services are provided by independent advanced practice
 204 registered nurses from clinic licensure requirements;
 205 amending 400.9973, F.S.; revising the list of
 206 professional authorized to prescribe admission to a
 207 transitional living facility; amending s. 400.9974,
 208 F.S.; revising the criteria for the comprehensive
 209 treatment plan; amending 400.9976, F.S.; revising the
 210 list of professionals that may medications to be
 211 administered to a client; amending 400.9979, F.S.;
 212 revising the list of professionals that may order
 213 physical restraints or chemical restraints of a
 214 client; amending s. 401.445, F.S.; prohibiting
 215 recovery of damages in court against an independent
 216 advanced practice registered nurse under certain
 217 circumstances; requiring an independent advanced
 218 practice registered nurse to attempt to obtain a
 219 person's consent prior to providing emergency
 220 services; amending ss. 409.905 and 409.908, F.S.;
 221 requiring the agency to reimburse independent advanced
 222 practice registered nurses for providing certain
 223 mandatory Medicaid services; amending s. 409.9081,
 224 F.S.; requiring copayments under the Medicaid program
 225 to be paid for independent advanced practice

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226 registered nurse services; amending s. 409.973, F.S.;

227 requiring managed care plans to cover independent

228 advanced practice registered nurse services; amending

229 s. 429.26, F.S.; prohibiting independent advanced

230 practice registered nurses from having a financial

231 interest in the assisted living facility that employs

232 them; including independent advanced practice

233 registered nurses in a list of health care

234 practitioners from whom an assisted living facility

235 resident may obtain an examination prior to admission;

236 amending s. 429.918, F.S.; revising the definition of

237 the term "ADRD participant" to include participants

238 who have a documented diagnosis of Alzheimer's disease

239 or a dementia-related disorder from an independent

240 advanced practice registered nurse; including

241 independent advanced practice registered nurses in a

242 list of health care practitioners from whom an ADRD

243 participant may obtain signed medical documentation;

244 amending s. 440.102, F.S.; authorizing, for the

245 purpose of drug-free workforce program requirements,

246 an independent advanced practice registered nurse to

247 collect a specimen for a drug test; amending s.

248 456.048, F.S.; requiring independent advanced practice

249 registered nurses to maintain medical malpractice

250 insurance or provide proof of financial

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251 responsibility; exempting independent advanced
 252 practice registered nurses from such requirements
 253 under certain circumstances; amending s. 456.053,
 254 F.S.; revising the definition of the term "board" to
 255 include the Board of Nursing; revising the definitions
 256 of the terms "health care provider" and "sole
 257 provider" to include independent advanced practice
 258 registered nurses; authorizing an independent advanced
 259 practice registered nurse to make referrals under
 260 certain circumstances; conforming a reference;
 261 amending s. 456.072, F.S.; requiring the suspension
 262 and fining of a physician assistant, an independent
 263 advanced practice registered nurse, or an advanced
 264 practice registered nurse for prescribing or
 265 dispensing a controlled substance in a certain manner;
 266 amending s. 456.44, F.S.; providing certain
 267 requirements for physician assistants, independent
 268 advanced practice registered nurses, and advanced
 269 practice registered nurses who prescribe controlled
 270 substances for the treatment of chronic nonmalignant
 271 pain; amending ss. 458.3265 and 459.0137, F.S.;
 272 requiring an independent advanced practice registered
 273 nurse to perform a physical examination of a patient
 274 at a pain-management clinic under certain
 275 circumstances; amending s. 458.347, F.S.; deleting the

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276 requirement for a formulary list of controlled
 277 substances that a physician assistant may not
 278 prescribe; amending ss. 458.348 and 459.025, F.S.;
 279 deleting obsolete provisions; amending s. 464.0205,
 280 F.S.; authorizing an independent advanced practice
 281 registered nurse to directly supervise a certified
 282 retired volunteer nurse; amending s. 480.0475;
 283 authorizing the operation of a massage establishment
 284 during specified times if a massage is prescribed by
 285 an independent advanced practice registered nurse;
 286 amending s. 483.041, F.S.; revising the definition of
 287 the term "licensed practitioner" to include a
 288 physician assistant and an independent advanced
 289 practice registered nurse; amending s. 483.181, F.S.;
 290 requiring clinical laboratories to accept a human
 291 specimen submitted by an independent advanced practice
 292 registered nurse; amending s. 486.021, F.S.;
 293 authorizing a physical therapist to implement a plan
 294 of treatment provided by an independent advanced
 295 practice registered nurse; amending s. 490.012, F.S.;
 296 allowing certain qualified independent advanced
 297 practice registered nurses to use the word, or a form
 298 of the word, "psychotherapy"; amending s. 491.0057,
 299 F.S.; authorizing certain qualified independent
 300 advanced practice registered nurses to be licensed as

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301 marriage and family therapists; amending s. 491.012,
 302 F.S.; authorizing certain qualified independent
 303 advanced practice registered nurses to use specified
 304 terms; amending s. 493.6108, F.S.; authorizing an
 305 independent advanced practice registered nurse to
 306 certify the physical fitness of a certain class of
 307 applicants to bear a weapon or firearm; amending s.
 308 626.9707, F.S.; including independent advanced
 309 practice registered nurses in a list of entities and
 310 individuals that are protected from insurer
 311 discrimination when providing services to a person
 312 with the sickle-cell trait; amending s. 627.357, F.S.;
 313 revising definition of "health care provider" to
 314 include an independent advanced practice registered
 315 nurse; amending s. 627.6471, F.S.; requiring insurers
 316 to provide eligibility criteria for certain qualified
 317 independent advanced practice registered nurses under
 318 certain circumstances; amending s. 627.6472, F.S.;
 319 requiring insurers to provide eligibility criteria for
 320 certain qualified independent advanced practice
 321 registered nurses under certain circumstances;
 322 prohibiting an exclusive provider organization from
 323 discriminating against participation by an independent
 324 advanced practice registered nurse; amending s.
 325 627.736, F.S.; requiring personal injury protection

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326 insurance to cover a certain percentage of medical
 327 services and care provided by an independent advanced
 328 practice registered nurse, a practitioner supervised
 329 by an independent advanced practice registered nurse,
 330 or an entity wholly owned by one or more independent
 331 advanced practice registered nurses; reimbursing
 332 independent advanced practice registered nurses up to
 333 a specified amount for providing medical services and
 334 care; amending s. 633.412, F.S.; authorizing an
 335 independent advanced practice registered nurse to
 336 medically examine an applicant for firefighter
 337 certification; amending s. 641.3923, F.S.; prohibiting
 338 a health maintenance organization from discriminating
 339 against the participation of a physician assistant or
 340 an independent advanced practice registered nurse;
 341 amending s. 641.495, F.S.; requiring a health
 342 maintenance organization to disclose in certain
 343 documents that certain services may be provided by
 344 independent advanced practice registered nurses;
 345 amending s. 744.2006, F.S.; adding independent
 346 advanced practice registered nurses to a list of
 347 authorized professionals with whom a public guardian
 348 may contract to carry out guardianship functions;
 349 amending s. 744.331, F.S.; including a physician
 350 assistant as an eligible member of an examining

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351 | committee; conforming terminology; amending s.
 352 | 766.102, F.S.; providing requirements for
 353 | qualification as an expert witness in a medical
 354 | negligence case concerning the standard of care for an
 355 | independent advanced practice registered nurse and an
 356 | advanced practice registered nurse; amending s.
 357 | 766.103, F.S.; prohibiting recovery of damages against
 358 | an independent advanced practice registered nurse
 359 | under certain conditions; amending s. 766.1116, F.S.;
 360 | revising the definition of the term "health care
 361 | practitioner" to include an independent advanced
 362 | practice registered nurse; amending s. 766.118, F.S.;
 363 | revising the definition of the term "practitioner" to
 364 | include an independent advanced practice registered
 365 | nurse; amending s. 768.135, F.S.; providing immunity
 366 | from liability for an independent advanced practice
 367 | registered nurse who provides volunteer services under
 368 | certain circumstances; amending s. 782.071, F.S.;
 369 | allowing an independent advanced practice registered
 370 | nurse or an advanced practice registered nurse to
 371 | supervise a person who is completing community service
 372 | hours in a trauma center or hospital; amending s.
 373 | 794.08, F.S.; providing that the section does not
 374 | apply to procedures conducted by an independent
 375 | advanced practice registered nurse under certain

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376 | circumstances; amending s. 893.02, F.S.; revising the
 377 | definition of the term "practitioner" to include a
 378 | physician assistant, an independent advanced practice
 379 | registered nurse, and an advanced practice registered
 380 | nurse; amending s. 943.13, F.S.; authorizing a law
 381 | enforcement officer or correctional officer to satisfy
 382 | qualifications for employment or appointment by
 383 | passing a physical examination conducted by an
 384 | independent advanced practice registered nurse;
 385 | amending s. 945.603, F.S.; authorizing the
 386 | Correctional Medical Authority to review and make
 387 | recommendations relating to the use of advanced
 388 | practice registered nurses as physician extenders;
 389 | amending s. 948.03, F.S., revising the list of persons
 390 | who may prescribe drugs or narcotics to a probationer
 391 | to include an independent advanced practice registered
 392 | nurse; amending ss. 1002.20 and 1002.42, F.S.;
 393 | including independent advanced practice registered
 394 | nurses in a list of individuals who have immunity
 395 | relating to the use of epinephrine auto-injectors in
 396 | public and private schools; amending s. 1006.062,
 397 | F.S.; authorizing nonmedical assistive personnel to
 398 | perform health services if trained by an independent
 399 | advanced practice registered nurse; requiring
 400 | monitoring of such personnel by an independent

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401 advanced practice registered nurse; including
 402 independent advanced practice registered nurses in a
 403 list of practitioners who must determine whether such
 404 personnel may perform certain invasive medical
 405 services; amending s. 1006.20, F.S.; authorizing an
 406 independent advanced practice registered nurse to
 407 medically evaluate a student athlete; amending ss.
 408 110.12315, 252.515, 395.602, 397.427, 456.0391,
 409 456.0392, 456.041, 458.331, 459.015, 464.004, 467.003,
 410 483.801, 893.05; 960.28, 1009.65, 1009.66, and
 411 1009.67, F.S.; conforming terminology; providing an
 412 effective date.

413

414 Be It Enacted by the Legislature of the State of Florida:

415 Section 1. Effective upon this act becoming law, section
 416 220.197, Florida Statutes, is created to read:

417 220.197 Telehealth tax credit.-

418 (1) For tax years beginning on or after January 1, 2018,
 419 for taxpayers eligible to receive the tax credit provided for in
 420 s. 624.509(9)(a), but with insufficient tax liability under s.
 421 624.509 to use such tax credit, there shall be allowed a credit
 422 against the tax imposed by this chapter equal to the credit
 423 amount pursuant to s. 624.509(9)(a).

424 (2) If the credit allowed pursuant to this section is not
 425 fully used in any single year because of insufficient tax

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426 liability on the part of the taxpayer, the unused amount may be
 427 carried forward for a period not to exceed 5 years.

428 (3)a. In addition to its existing audit and investigation
 429 authority, the department may perform any additional financial
 430 and technical audits and investigations, including examining the
 431 accounts, books, and records of the taxpayer, which are
 432 necessary to verify eligibility for the credit authorized by
 433 this section and to ensure compliance with this section. The
 434 Office of Insurance Regulation shall provide technical
 435 assistance when requested by the department on any audits or
 436 examinations performed pursuant to this subparagraph.

437 b. If the department determines, as a result of an audit
 438 or examination or from information received from the Office of
 439 Insurance Regulation, that a taxpayer received a tax credit
 440 pursuant to this subsection to which it was not entitled, the
 441 department shall pursue recovery of such funds pursuant to the
 442 laws and rules governing the assessment of taxes.

443 (4) A taxpayer may transfer a credit for which it
 444 qualifies under subsection (1), in whole or in part, to any
 445 taxpayer by written agreement. In order to perfect the transfer,
 446 the transferor shall provide the department with a written
 447 transfer statement stating the transferor's intent to transfer
 448 the tax credit to the transferee; the date that the transfer is
 449 effective; the transferee's name, address, and federal taxpayer
 450 identification number; the tax period; and the amount of tax

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451 credit to be transferred. Upon receipt of the transfer
 452 statement, the department shall provide the transferee and the
 453 office with a certificate reflecting the transferred tax credit
 454 amount. A copy of the certificate must be attached to each tax
 455 return for which the transferee seeks to apply the credit.

456 (5) The department and the Office of Insurance Regulation
 457 may adopt rules to administer this section, including rules
 458 relating to:

459 a. The forms, if any, necessary to claim a tax credit
 460 under this section, the requirements and basis for establishing
 461 an entitlement to a credit, and the examination and audit
 462 procedures required to administer this section.

463 b. The implementation and administration of the provisions
 464 allowing a transfer of a tax credit, including rules prescribing
 465 forms, reporting requirements, and specific procedures,
 466 guidelines, and requirements necessary to transfer a tax credit.

467 Section 2. Effective upon this act becoming law,
 468 subsection (9) of section 624.509, Florida Statutes, is
 469 renumbered as subsection (10) and amended, and a new subsection
 470 (9) is added to that section, to read:

471 624.509 Premium tax; rate and computation.—

472 (9) (a) For tax years beginning on or after January 1,
 473 2018, any health insurer or health maintenance organization that
 474 covers services provided by telehealth shall be allowed a credit
 475 against the tax imposed by this section equal to one tenth of

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476 one percent of total insurance premiums received on accident and
 477 health insurance policies or plans delivered or issued in this
 478 state in the previous calendar year that provide medical, major
 479 medical, or similar comprehensive coverage. The office shall
 480 confirm such coverage to the Department of Revenue following its
 481 annual rate and form review for each health insurance policy or
 482 plan.

483 (b) If the credit allowed pursuant to this subsection is
 484 not fully used in any single year because of insufficient tax
 485 liability on the part of a health insurer or health maintenance
 486 organization and the same health insurer or health maintenance
 487 organization does not use the credit available pursuant to s.
 488 220.197, the unused amount may be carried forward for a period
 489 not to exceed 5 years.

490 (c)1. In addition to its existing audit and investigation
 491 authority, the Department of Revenue may perform any additional
 492 financial and technical audits and investigations, including
 493 examining the accounts, books, and records of the health insurer
 494 or health maintenance organization, which are necessary to
 495 verify eligibility for the credit authorized by this subsection
 496 and to ensure compliance with this subsection. The office shall
 497 provide technical assistance when requested by the Department of
 498 Revenue on any audits or examinations performed pursuant to this
 499 subparagraph.

500 2. If the Department of Revenue determines, as a result of

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501 an audit or examination or from information received from the
 502 office, that a taxpayer received a tax credit pursuant to this
 503 subsection to which it was not entitled, the Department of
 504 Revenue shall pursue recovery of such funds pursuant to the laws
 505 and rules governing the assessment of taxes.

506 (d) A health insurer or health maintenance organization
 507 may transfer a credit for which it qualifies under paragraph
 508 (a), in whole or in part, to any insurer by written agreement.
 509 In order to perfect the transfer, the transferor shall provide
 510 the Department of Revenue with a written transfer statement
 511 stating the transferor's intent to transfer the tax credit to
 512 the transferee; the date that the transfer is effective; the
 513 transferee's name, address, and federal taxpayer identification
 514 number; the tax period; and the amount of tax credit to be
 515 transferred. Upon receipt of the transfer statement, the
 516 Department of Revenue shall provide the transferee and the
 517 office with a certificate reflecting the transferred tax credit
 518 amount. A copy of the certificate must be attached to each tax
 519 return for which the transferee seeks to apply the credit.

520 (e) The Department of Revenue and the office may adopt
 521 rules to administer this section, including rules relating to:

522 1. The forms, if any, necessary to claim a tax credit
 523 under this section, the requirements and basis for establishing
 524 an entitlement to a credit, and the examination and audit
 525 procedures required to administer this section.

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526 2. The implementation and administration of the provisions
 527 allowing a transfer of a tax credit, including rules prescribing
 528 forms, reporting requirements, and specific procedures,
 529 guidelines, and requirements necessary to transfer a tax credit.

530 (f) An insurer that claims a credit against tax liability
 531 under this subsection need not pay any additional retaliatory
 532 tax levied under s. 624.5091 as a result of claiming such a
 533 credit. Section 624.5091 does not limit such a credit in any
 534 manner.

535 (10)~~(9)~~ As used in this section:

536 (a) The term "insurer" includes any entity subject to the
 537 tax imposed by this section.

538 (b) The term "health insurer" means an authorized insurer
 539 offering health insurance as defined in s. 624.603.

540 (c) The term "telehealth" means the use of synchronous or
 541 asynchronous telecommunications technology by a health care
 542 provider to provide health care services, including, but not
 543 limited to, patient assessment, diagnosis, consultation,
 544 treatment, and monitoring; transfer of medical data; patient and
 545 professional health-related education; public health services;
 546 and health administration. The term does not include audio-only
 547 telephone calls, e-mail messages, or facsimile transmissions.

548 (d) The term "health maintenance organization" has the same
 549 meaning as provided in s. 641.19.

550 Section 3. Section 456.47, Florida Statutes, is created to

551 read:

552 456.47 Use of telehealth to provide services.—

553 (1) DEFINITIONS.—As used in this section, the term:

554 (a) "Telehealth" means the use of synchronous or
 555 asynchronous telecommunications technology by a telehealth
 556 provider to provide health care services, including, but not
 557 limited to, patient assessment, diagnosis, consultation,
 558 treatment, and monitoring; transfer of medical data; patient and
 559 professional health-related education; public health services;
 560 and health administration. The term does not include audio-only
 561 telephone calls, e-mail messages, or facsimile transmissions.

562 (b) "Telehealth provider" means any individual who
 563 provides health care and related services using telehealth and
 564 who is licensed under s. 393.17; part III of chapter 401;
 565 chapter 457; chapter 458; chapter 459; chapter 460; chapter 461;
 566 chapter 463; chapter 464; chapter 465; chapter 466; chapter 467;
 567 part I, part III, part IV, part V, part X, part XIII, or part
 568 XIV of chapter 468; chapter 478; chapter 480; part III of
 569 chapter 483; chapter 484; chapter 486; chapter 490; or chapter
 570 491; or who is registered under and complies with subsection
 571 (4).

572 (2) PRACTICE STANDARD.—

573 (a) The standard of care for telehealth providers who
 574 provide health care services is the same as the standard of care
 575 for health care professionals who provide in-person health care

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576 services to patients in this state. If the telehealth provider
 577 conducts a patient evaluation sufficient to diagnose and treat
 578 the patient, the telehealth provider is not required to research
 579 a patient's medical history or conduct a physical examination of
 580 the patient before using telehealth to provide services to the
 581 patient. The evaluation may be performed using telehealth.

582 (b) A telehealth provider may not use telehealth to
 583 prescribe a controlled substance to treat chronic nonmalignant
 584 pain, as defined under s. 456.44, unless the controlled
 585 substance is ordered for inpatient treatment at a hospital
 586 licensed under chapter 395, is prescribed for a patient
 587 receiving hospice services, as defined under s. 400.601, or is
 588 prescribed for a resident of a nursing home facility as defined
 589 under s. 400.021(12).

590 (c) A telehealth provider and a patient may each be in any
 591 location when telehealth is used to provide health care services
 592 to a patient.

593 (d) A nonphysician telehealth provider using telehealth
 594 and acting within the relevant scope of practice, as established
 595 by Florida law and rule, is not a violation of s. 458.327(1) (a)
 596 or s. 459.013(1) (a).

597 (3) RECORDS.—A telehealth provider shall document in the
 598 patient's medical record the health care services rendered using
 599 telehealth according to the same standard as used for in-person
 600 services. Medical records, including video, audio, electronic,

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601 or other records generated as a result of providing such
 602 services, are confidential pursuant to ss. 395.3025(4) and
 603 456.057.

604 (4) REGISTRATION OF OUT-OF-STATE TELEHEALTH PROVIDERS.—

605 (a) A health care professional not licensed in this state
 606 may provide health care services to a patient located in this
 607 state using telehealth if the telehealth provider registers with
 608 the applicable board, or the department if there is no board,
 609 and provides health care services within the relevant scope of
 610 practice established by Florida law or rule.

611 (b) The board, or the department if there is no board,
 612 shall register a health care professional not licensed in this
 613 state as a telehealth provider if the health care professional:

- 614 1. Completes an application in the format prescribed by
 615 the department;
 616 2. Pays a \$150 registration fee; and
 617 3. Holds an active, unencumbered license for a profession
 618 listed in paragraph (1)(b) which is issued by another state, the
 619 District of Columbia, or a possession or territory of the United
 620 States and against whom no disciplinary action has been taken
 621 during the 5 years before submission of the application. The
 622 department shall use the National Practitioner Data Bank to
 623 verify information submitted by an applicant.

624 (c) A telehealth provider registered pursuant to paragraph
 625 (b) must, as a condition of biennial registration renewal,

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626 complete a renewal application and pay a renewal registration
 627 fee of \$150.

628 (d) A health care professional may not register under this
 629 subsection if his or her license to provide health care services
 630 is subject to a pending disciplinary investigation or action, or
 631 has been revoked in any state or jurisdiction. A health care
 632 professional registered under this section must notify the
 633 appropriate board, or the department if there is no board, of
 634 restrictions placed on the health care professional's license to
 635 practice, or disciplinary action taken or pending against the
 636 health care professional, in any state or jurisdiction. The
 637 notification must be provided within 5 business days after the
 638 restriction is placed or disciplinary action is initiated or
 639 taken.

640 (e) A health care professional registered under this
 641 subsection may not open an office in this state and may not
 642 provide in-person health care services to patients located in
 643 this state.

644 (f) A pharmacist registered under this subsection may only
 645 use a pharmacy permitted under chapter 465, a nonresident
 646 pharmacy registered under s. 465.0156, or a nonresident pharmacy
 647 or outsourcing facility holding an active permit pursuant to s.
 648 465.0158, to dispense medicinal drugs to patients located in
 649 this state.

650 (g) The department shall publish on its website a list of

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651 all registrants and include, to the extent applicable, each
 652 registrant's:
 653 1. Name.
 654 2. Health care occupation.
 655 3. Completed health care training and education, including
 656 completion dates and any certificates or degrees obtained.
 657 4. Out-of-state health care license with license number.
 658 5. Florida telehealth provider registration number.
 659 6. Specialty.
 660 7. Board certification.
 661 8. Five-year disciplinary history, including sanctions and
 662 board actions.
 663 9. Medical malpractice insurance provider and policy
 664 limits, including whether the policy covers claims which arise
 665 in this state.
 666 (h) The board, or the department if there is no board, may
 667 revoke an out-of-state telehealth provider's registration if the
 668 registrant:
 669 1. Fails to notify the applicable board, or the
 670 department, of any adverse actions taken against his or her
 671 license as required under paragraph (d).
 672 2. Has restrictions placed on or disciplinary action taken
 673 against his or her license in any state or jurisdiction.
 674 3. Violates any of the requirements of this section.
 675 (5) VENUE.-For the purposes of this section, any act that

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676 constitutes the delivery of health care services is deemed to
 677 occur at the place where the patient is located at the time the
 678 act is performed.

679 (6) EXEMPTIONS.—A health care professional who is not
 680 licensed to provide health care services in this state but who
 681 holds an active license to provide health care services in
 682 another state or jurisdiction, and who provides health care
 683 services using telehealth to a patient located in this state, is
 684 not subject to the registration requirement under this section
 685 if the services are provided:

686 (a) In response to an emergency medical condition as
 687 defined in s. 395.002; or

688 (b) In consultation with a health care professional
 689 licensed in this state and that health care professional retains
 690 ultimate authority over the diagnosis and care of the patient.

691 (7) RULEMAKING.—The applicable board, or the department if
 692 there is no board, may adopt rules to administer this section.

693 Section 4. For the 2017-2018 fiscal year, the sums of
 694 \$261,389 in recurring funds and \$15,528 in nonrecurring funds
 695 from the Medical Quality Assurance Trust Fund are appropriated
 696 to the Department of Health, and four full-time equivalent
 697 positions with associated salary rate of 145,870 are authorized,
 698 for the purpose of implementing this act.

699 Section 5. Subsections (2), (3), (20), and (22) of section
 700 464.003, Florida Statutes, are amended to read:

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701 464.003 Definitions.—As used in this part, the term:
 702 (2) "Advanced or specialized nursing practice" or "to
 703 practice advanced or specialized nursing" means, in addition to
 704 the practice of professional nursing, the performance of
 705 advanced-level nursing acts approved by the board which, by
 706 virtue of postbasic specialized education, training, and
 707 experience, are appropriately performed by an independent
 708 advanced practice registered nurse or an advanced practice
 709 registered nurse practitioner. Within the context of advanced or
 710 specialized nursing practice, the independent advanced practice
 711 registered nurse and the advanced practice registered nurse
 712 practitioner may perform acts of nursing diagnosis and nursing
 713 treatment of alterations of the health status. The independent
 714 advanced practice registered nurse and the advanced practice
 715 registered nurse practitioner may also perform acts of medical
 716 diagnosis, ~~and~~ treatment, prescription, and operation ~~as~~
 717 ~~authorized within the framework of an established supervisory~~
 718 ~~protocol~~ which are identified and approved by a joint committee
 719 composed of three members appointed by the Board of Nursing, one
 720 of whom must be an independent advanced practice registered
 721 nurse and one of whom must be an advanced practice registered
 722 nurse; three members appointed by the Board of Medicine, two of
 723 whom must have had work experience with advanced practice
 724 registered nurses; and the State Surgeon General or the State
 725 Surgeon General's designee. Each committee member appointed by a

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726 board shall be appointed to a term of 4 years unless a shorter
 727 term is required to establish or maintain staggered terms. The
 728 Board of Nursing shall adopt rules authorizing the performance
 729 of any such acts approved by the joint committee. Unless
 730 otherwise specified by the joint committee and unless such acts
 731 are performed by an independent advanced practice nurse, such
 732 medical acts must be performed within the framework of an
 733 established supervisory protocol. The department may, by rule,
 734 require that a copy of the protocol be filed with the department
 735 along with the notice required by s. 458.348 or s. 459.025.

736 (3) "Advanced practice registered nurse ~~practitioner~~"
 737 means any person licensed in this state to practice professional
 738 nursing and certified in advanced or specialized nursing
 739 practice, including certified registered nurse anesthetists,
 740 certified nurse midwives, and certified nurse practitioners.

741 (16) "Independent advanced practice registered nurse"
 742 means an advanced practice registered nurse who maintains an
 743 active and unencumbered certification under s. 464.012(2) and
 744 registration under s. 464.0125 to practice advanced or
 745 specialized nursing independently and without the supervision of
 746 a physician or a protocol.

747 ~~(21)-(20)~~ "Practice of professional nursing" means the
 748 performance of those acts requiring substantial specialized
 749 knowledge, judgment, and nursing skill based upon applied
 750 principles of psychological, biological, physical, and social

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751 sciences which shall include, but not be limited to:

752 (a) The observation, assessment, nursing diagnosis,
 753 planning, intervention, and evaluation of care; health teaching
 754 and counseling of the ill, injured, or infirm; and the promotion
 755 of wellness, maintenance of health, and prevention of illness of
 756 others.

757 (b) The prescribing and administration of medications and
 758 treatments as ~~prescribed or~~ authorized by a ~~duly licensed~~
 759 ~~practitioner authorized by~~ the laws of this state ~~to prescribe~~
 760 ~~such medications and treatments.~~

761 (c) The supervision and teaching of other personnel in the
 762 theory and performance of any of the acts described in this
 763 subsection.

764
 765 A professional nurse is responsible and accountable for making
 766 decisions that are based upon the individual's educational
 767 preparation and experience in nursing.

768 ~~(23)-(22)~~ "Registered nurse" means any person licensed in
 769 this state to practice professional nursing, except such
 770 licensed person may only administer medications and treatments
 771 authorized by a duly licensed practitioner authorized by the
 772 laws of this state to prescribe such medications and treatments.

773 Section 6. Section 464.012, Florida Statutes, is amended
 774 to read:

775 464.012 Certification of advanced practice registered

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776 | nurses ~~nurse practitioners~~; fees; controlled substance
 777 | prescribing.—

778 | (1) Any nurse desiring to be certified as an advanced
 779 | practice registered nurse ~~practitioner~~ shall apply to the board
 780 | ~~department~~ and submit proof that the nurse ~~he or she~~ holds a
 781 | current license to practice professional nursing and that the
 782 | nurse ~~he or she~~ meets ~~one or more of~~ the following requirements
 783 | ~~as determined by the board:~~

784 | ~~(a) Satisfactory completion of a formal postbasic~~
 785 | ~~educational program of at least one academic year, the primary~~
 786 | ~~purpose of which is to prepare nurses for advanced or~~
 787 | ~~specialized practice.~~

788 | (a) ~~(b)~~ Certification by an appropriate specialty board.
 789 | Such certification shall be required for initial state
 790 | certification and any recertification as a registered nurse
 791 | anesthetist, psychiatric nurse, or nurse midwife. The board may
 792 | by rule provide for provisional state certification of graduate
 793 | nurse practitioners, nurse anesthetists, psychiatric nurses, and
 794 | nurse midwives for a period of time determined to be appropriate
 795 | for preparing for and passing the national certification
 796 | examination.

797 | (c) Graduation from a ~~program leading to a~~ master's degree
 798 | program in a nursing clinical specialty area with preparation in
 799 | specialized practitioner skills. ~~For applicants graduating on or~~
 800 | ~~after October 1, 1998, graduation from a master's degree program~~

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801 ~~shall be required for initial certification as a nurse~~
 802 ~~practitioner under paragraph (4)(c). For applicants graduating~~
 803 ~~on or after October 1, 2001, graduation from a master's degree~~
 804 ~~program shall be required for initial certification as a~~
 805 ~~registered nurse anesthetist under paragraph (4)(a).~~

806 (2) The board shall provide by rule the appropriate
 807 requirements for advanced practice registered nurses ~~nurse~~
 808 ~~practitioners~~ in the categories of certified registered nurse
 809 anesthetist, certified nurse midwife, and certified nurse
 810 practitioner.

811 (3) An advanced practice registered nurse ~~practitioner~~
 812 shall perform those functions authorized in this section within
 813 the framework of an established protocol that is filed with the
 814 board upon biennial license renewal and within 30 days after
 815 entering into a supervisory relationship with a physician or
 816 changes to the protocol. The board shall review the protocol to
 817 ensure compliance with applicable regulatory standards for
 818 protocols. The board shall refer to the department licensees
 819 submitting protocols that are not compliant with the regulatory
 820 standards for protocols. A practitioner currently licensed under
 821 chapter 458, chapter 459, or chapter 466 shall maintain
 822 supervision for directing the specific course of medical
 823 treatment. Within the established framework, an advanced
 824 registered nurse practitioner may:

825 (a) Prescribe, dispense, administer, or order any drug;

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826 | however, an advanced registered nurse practitioner may prescribe
 827 | or dispense a controlled substance as defined in s. 893.03 only
 828 | if the advanced registered nurse practitioner has graduated from
 829 | a program leading to a master's or doctoral degree in a clinical
 830 | nursing specialty area with training in specialized practitioner
 831 | skills.

832 | (b) Initiate appropriate therapies for certain conditions.

833 | (c) Perform additional functions as may be determined by
 834 | rule in accordance with s. 464.003(2).

835 | (d) Order diagnostic tests and physical and occupational
 836 | therapy.

837 | (e) Order any medication for administration to a patient
 838 | in a facility licensed under chapter 395 or part II of chapter
 839 | 400, notwithstanding any provisions in chapter 465 or chapter
 840 | 893.

841 | (4) In addition to the general functions specified in
 842 | subsection (3), an advanced practice registered nurse
 843 | ~~practitioner~~ may perform the following acts within his or her
 844 | specialty:

845 | (a) The certified registered nurse anesthetist may, to the
 846 | extent authorized by established protocol approved by the
 847 | medical staff of the facility in which the anesthetic service is
 848 | performed, perform any or all of the following:

849 | 1. Determine the health status of the patient as it
 850 | relates to the risk factors and to the anesthetic management of

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851 the patient through the performance of the general functions.
 852 2. Based on history, physical assessment, and supplemental
 853 laboratory results, determine, with the consent of the
 854 responsible physician, the appropriate type of anesthesia within
 855 the framework of the protocol.
 856 3. Order under the protocol preanesthetic medication.
 857 4. Perform under the protocol procedures commonly used to
 858 render the patient insensible to pain during the performance of
 859 surgical, obstetrical, therapeutic, or diagnostic clinical
 860 procedures. These procedures include ordering and administering
 861 regional, spinal, and general anesthesia; inhalation agents and
 862 techniques; intravenous agents and techniques; and techniques of
 863 hypnosis.
 864 5. Order or perform monitoring procedures indicated as
 865 pertinent to the anesthetic health care management of the
 866 patient.
 867 6. Support life functions during anesthesia health care,
 868 including induction and intubation procedures, the use of
 869 appropriate mechanical supportive devices, and the management of
 870 fluid, electrolyte, and blood component balances.
 871 7. Recognize and take appropriate corrective action for
 872 abnormal patient responses to anesthesia, adjunctive medication,
 873 or other forms of therapy.
 874 8. Recognize and treat a cardiac arrhythmia while the
 875 patient is under anesthetic care.

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876 9. Participate in management of the patient while in the
 877 postanesthesia recovery area, including ordering the
 878 administration of fluids and drugs.

879 10. Place special peripheral and central venous and
 880 arterial lines for blood sampling and monitoring as appropriate.

881 (b) The certified nurse midwife may, to the extent
 882 authorized by an established protocol which has been approved by
 883 the medical staff of the health care facility in which the
 884 midwifery services are performed, or approved by the nurse
 885 midwife's physician backup when the delivery is performed in a
 886 patient's home, perform any or all of the following:

- 887 1. Perform superficial minor surgical procedures.
- 888 2. Manage the patient during labor and delivery to include
 889 amniotomy, episiotomy, and repair.
- 890 3. Order, initiate, and perform appropriate anesthetic
 891 procedures.
- 892 4. Perform postpartum examination.
- 893 5. Order appropriate medications.
- 894 6. Provide family-planning services and well-woman care.
- 895 7. Manage the medical care of the normal obstetrical
 896 patient and the initial care of a newborn patient.

897 (c) The certified nurse practitioner may perform any or
 898 all of the following acts within the framework of established
 899 protocol:

- 900 1. Manage selected medical problems.

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901 2. Order physical and occupational therapy.

902 3. Initiate, monitor, or alter therapies for certain
903 uncomplicated acute illnesses.

904 4. Monitor and manage patients with stable chronic
905 diseases.

906 5. Establish behavioral problems and diagnosis and make
907 treatment recommendations.

908 (5) A psychiatric nurse, as defined in s. 394.455, within
909 the framework of an established protocol with a psychiatrist,
910 may prescribe psychotropic controlled substances for the
911 treatment of mental disorders.

912 (6) The board shall certify, and the department shall
913 issue a certificate to, any nurse meeting the qualifications in
914 this section. The board shall establish an application fee not
915 to exceed \$100 and a biennial renewal fee not to exceed \$50. The
916 board is authorized to adopt such other rules as are necessary
917 to implement the provisions of this section.

918 (7) (a) The board shall establish a committee to recommend
919 a formulary of controlled substances that an advanced registered
920 nurse practitioner may not prescribe or may prescribe only for
921 specific uses or in limited quantities. The committee must
922 consist of three advanced registered nurse practitioners
923 licensed under this section, recommended by the board; three
924 physicians licensed under chapter 458 or chapter 459 who have
925 work experience with advanced registered nurse practitioners,

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926 recommended by the Board of Medicine; and a pharmacist licensed
 927 under chapter 465 who is a doctor of pharmacy, recommended by
 928 the Board of Pharmacy. The committee may recommend an evidence-
 929 based formulary applicable to all advanced registered nurse
 930 practitioners which is limited by specialty certification, is
 931 limited to approved uses of controlled substances, or is subject
 932 to other similar restrictions the committee finds are necessary
 933 to protect the health, safety, and welfare of the public. The
 934 formulary must restrict the prescribing of psychiatric mental
 935 health controlled substances for children younger than 18 years
 936 of age to advanced registered nurse practitioners who also are
 937 psychiatric nurses as defined in s. 394.455. The formulary must
 938 also limit the prescribing of Schedule II controlled substances
 939 as listed in s. 893.03 to a 7-day supply, except that such
 940 restriction does not apply to controlled substances that are
 941 psychiatric medications prescribed by psychiatric nurses as
 942 defined in s. 394.455.

943 (b) The board shall adopt by rule the recommended
 944 formulary and any revision to the formulary which it finds is
 945 supported by evidence-based clinical findings presented by the
 946 Board of Medicine, the Board of Osteopathic Medicine, or the
 947 Board of Dentistry.

948 (c) The formulary required under this subsection does not
 949 apply to a controlled substance that is dispensed for
 950 administration pursuant to an order, including an order for

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951 medication authorized by subparagraph (4) (a)3., subparagraph
 952 (4) (a)4., or subparagraph (4) (a)9.

953 (d) The board shall adopt the committee's initial
 954 recommendation no later than October 31, 2016.

955 (8) This section shall be known as "The Barbara Lumpkin
 956 Prescribing Act."

957 Section 7. Section 464.0125, Florida Statutes, is created
 958 to read:

959 464.0125 Registration of independent advanced practice
 960 registered nurses; fees.—

961 (1) To be registered as an independent advanced practice
 962 registered nurse, an applicant must hold an active and
 963 unencumbered certificate under s. 464.012, and must have:

964 (a) Completed, in any jurisdiction of the United States,
 965 at least 2,000 clinical practice hours within a 3-year period
 966 immediately preceding the submission of the application and
 967 while practicing as an advanced practice registered nurse.

968 (b) Not been subject to any disciplinary action under s.
 969 464.018 or s. 456.072, or any similar disciplinary action in any
 970 other jurisdiction, during the 5 years immediately preceding the
 971 submission of the application.

972 (c) Completed a graduate level course in pharmacology.

973 (2) The board may provide by rule additional requirements
 974 appropriate for each applicant practicing in a specialty under
 975 s. 464.012(4).

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976 (3) An independent advanced practice registered nurse may
 977 perform, without physician supervision or a protocol, the
 978 functions authorized in s. 464.012(3), the acts within his or
 979 her specialty as described in s. 464.012(4), and any of the
 980 following:

981 (a) For a patient who requires the services of a health
 982 care facility, as defined in s. 408.032(8):

983 1. Admit the patient to the facility.

984 2. Manage the care that the patient receives in the
 985 facility.

986 3. Discharge the patient from the facility.

987 (b) Provide a signature, certification, stamp,
 988 verification, affidavit, or other endorsement that is otherwise
 989 required by law to be provided by a physician.

990 (4) An advanced practice registered nurse registered under
 991 this section must submit to the department proof of registration
 992 along with the information required under s. 456.0391, and the
 993 department shall include the registration in the advanced
 994 practice registered nurse's practitioner profile created
 995 pursuant to s. 456.041.

996 (5) To be eligible for biennial renewal of registration,
 997 an independent advanced practice registered nurse must complete
 998 at least 10 hours of continuing education approved by the board
 999 in pharmacology in addition to completing the continuing
 1000 education requirements established by board rule pursuant to s.

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1001 464.013. The biennial renewal for registration shall coincide
 1002 with the independent advanced practice registered nurse's
 1003 biennial renewal period for advanced practice registered nurse
 1004 certification. If the initial renewal period occurs before
 1005 January 1, 2018, an independent advanced practice registered
 1006 nurse is not required to complete the continuing education
 1007 requirement under this subsection until the following biennial
 1008 renewal period.

1009 (6) The board shall register any nurse meeting the
 1010 qualifications in this section. The board shall establish an
 1011 application fee not to exceed \$100 and a biennial renewal fee
 1012 not to exceed \$50. The board is authorized to adopt rules as
 1013 necessary to implement this section.

1014 Section 8. Subsections (8) and (9) of section 464.015,
 1015 Florida Statutes, are amended to read:

1016 464.015 Titles and abbreviations; restrictions; penalty.—

1017 (8) Only a person certified under s. 464.012 ~~persons who~~
 1018 ~~hold valid certificates~~ to practice as an advanced practice
 1019 ~~registered nurse practitioners~~ in this state may use the title
 1020 "Advanced Practice Registered Nurse Practitioner" and the
 1021 abbreviation "A.P.R.N." Only a person registered under s.
 1022 464.0125 to practice as an independent advanced practice
 1023 registered nurse in this state may use the title "Independent
 1024 Advanced Practice Registered Nurse" and the abbreviation
 1025 "I.A.P.R.N." "A.R.N.P."

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1026 (9) A person may not practice or advertise as, or assume
 1027 the title of, registered nurse, licensed practical nurse,
 1028 clinical nurse specialist, certified registered nurse
 1029 anesthetist, certified nurse midwife, certified nurse
 1030 practitioner, ~~or~~ advanced practice registered nurse, or
 1031 independent advanced practice registered nurse practitioner or
 1032 use the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"
 1033 "C.N.M.," "C.N.P." "A.P.R.N.," or "I.A.P.R.N." "~~A.R.N.P.~~" or take
 1034 any other action that would lead the public to believe that
 1035 person was certified or registered as such or is performing
 1036 nursing services pursuant to the exception set forth in s.
 1037 464.022(8), unless that person is licensed, ~~or~~ certified,
 1038 registered to practice as such.

1039 Section 9. Section 464.0155, Florida Statutes, is created
 1040 to read:

1041 464.0155 Reports of adverse incidents by independent
 1042 advanced practice registered nurses.-

1043 (1) Effective January 1, 2018, an independent advanced
 1044 practice registered nurse must report an adverse incident to the
 1045 department in accordance with this section.

1046 (2) The report must be in writing, sent to the department
 1047 by certified mail, and postmarked within 15 days after the
 1048 adverse incident if the adverse incident occurs when the patient
 1049 is at the office of the independent advanced practice registered
 1050 nurse. If the adverse incident occurs when the patient is not at

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1051 the office of the independent advanced practice registered
 1052 nurse, the report must be postmarked within 15 days after the
 1053 independent advanced practice registered nurse discovers, or
 1054 reasonably should have discovered, the occurrence of the adverse
 1055 incident.

1056 (3) For the purpose of this section, the term "adverse
 1057 incident" means any of the following events when it is
 1058 reasonable to believe that the event is attributable to the
 1059 prescription of a controlled substance by the independent
 1060 advanced practice registered nurse:

1061 (a) A condition that requires the transfer of a patient to
 1062 a hospital licensed under chapter 395.

1063 (b) Permanent physical injury to the patient.

1064 (c) Death of the patient.

1065 (4) The department shall review each adverse incident and
 1066 determine whether the independent advanced practice registered
 1067 nurse caused the adverse incident. The board may take
 1068 disciplinary action upon such a finding, in which case s.
 1069 456.073 applies.

1070 Section 10. Paragraph (a) of subsection (2) of section
 1071 464.016, Florida Statutes, is amended to read:

1072 464.016 Violations and penalties.—

1073 (2) Each of the following acts constitutes a misdemeanor
 1074 of the first degree, punishable as provided in s. 775.082 or s.
 1075 775.083:

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1076 (a) Using the name or title "Nurse," "Registered Nurse,"
 1077 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
 1078 "Certified Registered Nurse Anesthetist," "Certified Nurse
 1079 Midwife," "Certified Nurse Practitioner," "Advanced Practice
 1080 Registered Nurse Practitioner," "Independent Advanced Practice
 1081 Registered Nurse," or any other name or title that ~~which~~ implies
 1082 that a person was licensed, or certified, or registered as same,
 1083 unless such person is duly licensed, or certified, or
 1084 registered.

1085 Section 11. Paragraph (p) is amended and paragraph (r) is
 1086 added to subsection (1) of section 464.018, Florida Statutes, to
 1087 read:

1088 464.018 Disciplinary actions.—

1089 (1) The following acts constitute grounds for denial of a
 1090 license or disciplinary action, as specified in s. 456.072(2):

1091 (p) For an advanced practice registered nurse ~~practitioner~~
 1092 or an independent advanced practice registered nurse:

- 1093 1. Presigning blank prescription forms.
- 1094 2. Prescribing for office use any medicinal drug appearing
 1095 on Schedule II in chapter 893.
- 1096 3. Prescribing, ordering, dispensing, administering,
 1097 supplying, selling, or giving a drug that is an amphetamine, a
 1098 sympathomimetic amine drug, or a compound designated in s.
 1099 893.03(2) as a Schedule II controlled substance, to or for any
 1100 person except for:

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1101 a. The treatment of narcolepsy; hyperkinesis; behavioral
 1102 syndrome in children characterized by the developmentally
 1103 inappropriate symptoms of moderate to severe distractibility,
 1104 short attention span, hyperactivity, emotional lability, and
 1105 impulsivity; or drug-induced brain dysfunction.

1106 b. The differential diagnostic psychiatric evaluation of
 1107 depression or the treatment of depression shown to be refractory
 1108 to other therapeutic modalities.

1109 c. The clinical investigation of the effects of such drugs
 1110 or compounds when an investigative protocol is submitted to,
 1111 reviewed by, and approved by the department before such
 1112 investigation is begun.

1113 4. Prescribing, ordering, dispensing, administering,
 1114 supplying, selling, or giving growth hormones, testosterone or
 1115 its analogs, human chorionic gonadotropin (HCG), or other
 1116 hormones for the purpose of muscle building or to enhance
 1117 athletic performance. As used in this subparagraph, the term
 1118 "muscle building" does not include the treatment of injured
 1119 muscle. A prescription written for the drug products identified
 1120 in this subparagraph may be dispensed by a pharmacist with the
 1121 presumption that the prescription is for legitimate medical use.

1122 5. Promoting or advertising on any prescription form a
 1123 community pharmacy unless the form also states: "This
 1124 prescription may be filled at any pharmacy of your choice."

1125 6. Prescribing, dispensing, administering, mixing, or

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1126 otherwise preparing a legend drug, including a controlled
 1127 substance, other than in the course of his or her professional
 1128 practice. For the purposes of this subparagraph, it is legally
 1129 presumed that prescribing, dispensing, administering, mixing, or
 1130 otherwise preparing legend drugs, including all controlled
 1131 substances, inappropriately or in excessive or inappropriate
 1132 quantities is not in the best interest of the patient and is not
 1133 in the course of the advanced registered nurse practitioner's
 1134 professional practice, without regard to his or her intent.

1135 7. Prescribing, dispensing, or administering a medicinal
 1136 drug appearing on any schedule set forth in chapter 893 to
 1137 himself or herself, except a drug prescribed, dispensed, or
 1138 administered to the advanced practice registered nurse
 1139 ~~practitioner~~ or the independent advanced practice registered
 1140 nurse by another practitioner authorized to prescribe, dispense,
 1141 or administer medicinal drugs.

1142 8. Prescribing, ordering, dispensing, administering,
 1143 supplying, selling, or giving amygdalin (laetrile) to any
 1144 person.

1145 9. Dispensing a substance designated in s. 893.03(2) or
 1146 (3) as a substance controlled in Schedule II or Schedule III,
 1147 respectively, in violation of s. 465.0276.

1148 10. Promoting or advertising through any communication
 1149 medium the use, sale, or dispensing of a substance designated in
 1150 s. 893.03 as a controlled substance.

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1151 (r) For an independent advanced practice registered nurse
 1152 registered under s. 464.0125:
 1153 1. Paying or receiving any commission, bonus, kickback, or
 1154 rebate, or engaging in any split-fee arrangement in any form
 1155 whatsoever with a health care practitioner, organization,
 1156 agency, or person, either directly or indirectly, for patients
 1157 referred to providers of health care goods and services,
 1158 including, but not limited to, hospitals, nursing homes,
 1159 clinical laboratories, ambulatory surgical centers, or
 1160 pharmacies. The provisions of this subparagraph may not be
 1161 construed to prevent an independent advanced practice registered
 1162 nurse from receiving a fee for professional consultation
 1163 services.
 1164 2. Exercising influence within a patient-independent advanced
 1165 practice registered nurse relationship for purposes of engaging
 1166 a patient in sexual activity. A patient shall be presumed to be
 1167 incapable of giving free, full, and informed consent to sexual
 1168 activity with his or her independent advanced practice
 1169 registered nurse.
 1170 3. Making deceptive, untrue, or fraudulent representations
 1171 in or related to the practice of advanced or specialized nursing
 1172 or employing a trick or scheme in the practice of advanced or
 1173 specialized nursing.
 1174 4. Soliciting patients, either personally or through an
 1175 agent, through the use of fraud, intimidation, undue influence,

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1176 | or a form of overreaching or vexatious conduct. A solicitation
 1177 | is any communication that directly or implicitly requests an
 1178 | immediate oral response from the recipient.

1179 | 5. Failing to keep legible, as defined by department rule
 1180 | in consultation with the board, medical records that identify
 1181 | the independent advanced practice registered nurse by name and
 1182 | professional title who is responsible for rendering, ordering,
 1183 | supervising, or billing for each diagnostic or treatment
 1184 | procedure and that justify the course of treatment of the
 1185 | patient, including, but not limited to, patient histories;
 1186 | examination results; test results; records of drugs prescribed,
 1187 | dispensed, or administered; and reports of consultations or
 1188 | referrals.

1189 | 6. Exercising influence on a patient or client in a manner
 1190 | as to exploit the patient or client for financial gain of the
 1191 | licensee or of a third party, which shall include, but not be
 1192 | limited to, the promoting or selling of services, goods,
 1193 | appliances, or drugs.

1194 | 7. Performing professional services that have not been
 1195 | duly authorized by the patient or client, or his or her legal
 1196 | representative, except as provided in s. 766.103 or s. 768.13.

1197 | 8. Performing any procedure or prescribing any therapy
 1198 | that, by the prevailing standards of advanced or specialized
 1199 | nursing practice in the community, would constitute

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1200 experimentation on a human subject, without first obtaining
 1201 full, informed, and written consent.

1202 9. Delegating professional responsibilities to a person
 1203 when the licensee delegating the responsibilities knows or has
 1204 reason to know that the person is not qualified by training,
 1205 experience, or licensure to perform the responsibilities.

1206 10. Conspiring with another independent advanced practice
 1207 registered nurse or with any other person to commit an act, or
 1208 committing an act, which would tend to coerce, intimidate, or
 1209 preclude another independent advanced practice registered nurse
 1210 from lawfully advertising his or her services.

1211 11. Advertising or holding oneself out as having
 1212 certification in a specialty that the independent advanced
 1213 practice registered nurse has not received.

1214 12. Failing to comply with the requirements of ss. 381.026
 1215 and 381.0261 to provide patients with information about their
 1216 patient rights and how to file a patient complaint.

1217 13. Providing deceptive or fraudulent expert witness
 1218 testimony related to the advanced or specialized practice of
 1219 nursing.

1220 Section 12. Paragraph (c) of subsection (5) and paragraph
 1221 (a) of subsection (6) of section 39.303, Florida Statutes, is
 1222 amended to read:

1223 39.303 Child protection teams; services; eligible cases.-

1224 (5) All abuse and neglect cases transmitted for

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1225 investigation to a district by the hotline must be
 1226 simultaneously transmitted to the Department of Health child
 1227 protection team for review. For the purpose of determining
 1228 whether face-to-face medical evaluation by a child protection
 1229 team is necessary, all cases transmitted to the child protection
 1230 team which meet the criteria in subsection (4) must be timely
 1231 reviewed by:

1232 (c) An advanced practice registered nurse certified, or an
 1233 independent advanced practice registered nurse registered,
 1234 ~~practitioner licensed~~ under chapter 464 who has a specialty in
 1235 pediatrics or family medicine and is a member of a child
 1236 protection team;

1237 (6) A face-to-face medical evaluation by a child
 1238 protection team is not necessary when:

1239 (a) The child was examined for the alleged abuse or
 1240 neglect by a physician or an independent advanced practice
 1241 registered nurse who is not a member of the child protection
 1242 team, and a consultation between the child protection team
 1243 board-certified pediatrician, advanced practice registered nurse
 1244 ~~practitioner,~~ physician assistant working under the supervision
 1245 of a child protection team board-certified pediatrician, or
 1246 registered nurse working under the direct supervision of a child
 1247 protection team board-certified pediatrician, and the examining
 1248 practitioner ~~physician~~ concludes that a further medical
 1249 evaluation is unnecessary;

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1250
 1251 Notwithstanding paragraphs (a), (b), and (c), a child protection
 1252 team pediatrician, as authorized in subsection (5), may
 1253 determine that a face-to-face medical evaluation is necessary.

1254 Section 13. Paragraph (b) of subsection (1) of section
 1255 39.304, Florida Statutes, is amended to read:

1256 39.304 Photographs, medical examinations, X rays, and
 1257 medical treatment of abused, abandoned, or neglected child.—

1258 (1)

1259 (b) If the areas of trauma visible on a child indicate a
 1260 need for a medical examination, or if the child verbally
 1261 complains or otherwise exhibits distress as a result of injury
 1262 through suspected child abuse, abandonment, or neglect, or is
 1263 alleged to have been sexually abused, the person required to
 1264 investigate may cause the child to be referred for diagnosis to
 1265 a licensed physician, a physician assistant, an independent
 1266 advanced practice registered nurse, or an emergency department
 1267 in a hospital without the consent of the child's parents or
 1268 legal custodian. Such examination may be performed by a ~~any~~
 1269 licensed physician, a physician assistant, a registered
 1270 independent advanced practice registered nurse, or a certified
 1271 ~~an advanced practice registered nurse practitioner licensed~~
 1272 ~~pursuant to part I of chapter 464.~~ Any examining practitioner
 1273 ~~licensed physician, or advanced registered nurse practitioner~~
 1274 ~~licensed pursuant to part I of chapter 464,~~ who has reasonable

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1275 | cause to suspect that an injury was the result of child abuse,
 1276 | abandonment, or neglect may authorize a radiological examination
 1277 | to be performed on the child without the consent of the child's
 1278 | parent or legal custodian.

1279 | Section 14. Paragraph (a) of subsection (1) of section
 1280 | 90.503, Florida Statutes, is amended to read:

1281 | 90.503 Psychotherapist-patient privilege.—

1282 | (1) For purposes of this section:

1283 | (a) A "psychotherapist" is:

1284 | 1. A person authorized to practice medicine in any state
 1285 | or nation, or reasonably believed by the patient so to be, who
 1286 | is engaged in the diagnosis or treatment of a mental or
 1287 | emotional condition, including alcoholism and other drug
 1288 | addiction;

1289 | 2. A person licensed or certified as a psychologist under
 1290 | the laws of any state or nation, who is engaged primarily in the
 1291 | diagnosis or treatment of a mental or emotional condition,
 1292 | including alcoholism and other drug addiction;

1293 | 3. A person licensed or certified as a clinical social
 1294 | worker, marriage and family therapist, or mental health
 1295 | counselor under the laws of this state, who is engaged primarily
 1296 | in the diagnosis or treatment of a mental or emotional
 1297 | condition, including alcoholism and other drug addiction;

1298 | 4. Treatment personnel of facilities licensed by the state
 1299 | pursuant to chapter 394, chapter 395, or chapter 397, of

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1300 facilities designated by the Department of Children and Families
 1301 pursuant to chapter 394 as treatment facilities, or of
 1302 facilities defined as community mental health centers pursuant
 1303 to s. 394.907(1), who are engaged primarily in the diagnosis or
 1304 treatment of a mental or emotional condition, including
 1305 alcoholism and other drug addiction; or

1306 5. An independent advanced practice registered nurse or
 1307 advanced practice registered nurse ~~practitioner certified under~~
 1308 ~~s. 464.012~~, whose primary scope of practice is the diagnosis or
 1309 treatment of mental or emotional conditions, including chemical
 1310 abuse, and limited only to actions performed in accordance with
 1311 part I of chapter 464.

1312 Section 15. Subsection (7) of section 110.12315, Florida
 1313 Statutes, is amended to read:

1314 110.12315 Prescription drug program.—The state employees'
 1315 prescription drug program is established. This program shall be
 1316 administered by the Department of Management Services, according
 1317 to the terms and conditions of the plan as established by the
 1318 relevant provisions of the annual General Appropriations Act and
 1319 implementing legislation, subject to the following conditions:

1320 (7) The department shall establish the reimbursement
 1321 schedule for prescription pharmaceuticals dispensed under the
 1322 program. Reimbursement rates for a prescription pharmaceutical
 1323 must be based on the cost of the generic equivalent drug if a
 1324 generic equivalent exists, unless the physician, independent

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1325 advanced practice registered nurse, advanced practice registered
 1326 nurse ~~practitioner~~, or physician assistant prescribing the
 1327 pharmaceutical clearly states on the prescription that the brand
 1328 name drug is medically necessary or that the drug product is
 1329 included on the formulary of drug products that may not be
 1330 interchanged as provided in chapter 465, in which case
 1331 reimbursement must be based on the cost of the brand name drug
 1332 as specified in the reimbursement schedule adopted by the
 1333 department.

1334 Section 16. Paragraph (e) of subsection (8) of section
 1335 112.0455, Florida Statutes, is amended to read:

1336 112.0455 Drug-Free Workplace Act.—

1337 (8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 1338 collection and testing for drugs under this section shall be
 1339 performed in accordance with the following procedures:

1340 (e) A specimen for a drug test may be taken or collected
 1341 by any of the following persons:

1342 1. A physician, a physician ~~physician's~~ assistant, an
 1343 independent advanced practice registered nurse, an advanced
 1344 practice registered nurse, a registered ~~professional~~ nurse, a
 1345 licensed practical nurse, ~~a nurse practitioner~~, or a certified
 1346 paramedic who is present at the scene of an accident for the
 1347 purpose of rendering emergency medical service or treatment.

1348 2. A qualified person employed by a licensed laboratory.

1349 Section 17. Paragraph (f) of subsection (3) of section

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1350 121.0515, Florida Statutes, is amended to read:
 1351 121.0515 Special Risk Class.—
 1352 (3) CRITERIA.—A member, to be designated as a special risk
 1353 member, must meet the following criteria:
 1354 (f) Effective January 1, 2001, the member must be employed
 1355 in one of the following classes and must spend at least 75
 1356 percent of his or her time performing duties which involve
 1357 contact with patients or inmates in a correctional or forensic
 1358 facility or institution:
 1359 1. Dietitian (class codes 5203 and 5204);
 1360 2. Public health nutrition consultant (class code 5224);
 1361 3. Psychological specialist (class codes 5230 and 5231);
 1362 4. Psychologist (class code 5234);
 1363 5. Senior psychologist (class codes 5237 and 5238);
 1364 6. Regional mental health consultant (class code 5240);
 1365 7. Psychological Services Director—DCF (class code 5242);
 1366 8. Pharmacist (class codes 5245 and 5246);
 1367 9. Senior pharmacist (class codes 5248 and 5249);
 1368 10. Dentist (class code 5266);
 1369 11. Senior dentist (class code 5269);
 1370 12. Registered nurse (class codes 5290 and 5291);
 1371 13. Senior registered nurse (class codes 5292 and 5293);
 1372 14. Registered nurse specialist (class codes 5294 and
 1373 5295);
 1374 15. Clinical associate (class codes 5298 and 5299);

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1375 16. Advanced practice registered nurse ~~practitioner~~ (class
1376 codes 5297 and 5300);

1377 17. Advanced practice registered nurse ~~practitioner~~
1378 specialist (class codes 5304 and 5305);

1379 18. Registered nurse supervisor (class codes 5306 and
1380 5307);

1381 19. Senior registered nurse supervisor (class codes 5308
1382 and 5309);

1383 20. Registered nursing consultant (class codes 5312 and
1384 5313);

1385 21. Quality management program supervisor (class code
1386 5314);

1387 22. Executive nursing director (class codes 5320 and
1388 5321);

1389 23. Speech and hearing therapist (class code 5406); or

1390 24. Pharmacy manager (class code 5251);

1391 Section 18. Paragraph (a) of subsection (3) of section
1392 252.515, Florida Statutes, is amended to read:

1393 252.515 Postdisaster Relief Assistance Act; immunity from
1394 civil liability.—

1395 (3) As used in this section, the term:

1396 (a) "Emergency first responder" means:

1397 1. A physician licensed under chapter 458.

1398 2. An osteopathic physician licensed under chapter 459.

1399 3. A chiropractic physician licensed under chapter 460.

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- 1400 4. A podiatric physician licensed under chapter 461.
- 1401 5. A dentist licensed under chapter 466.
- 1402 6. An advanced practice registered nurse ~~practitioner~~
- 1403 certified under s. 464.012.
- 1404 7. A physician assistant licensed under s. 458.347 or s.
- 1405 459.022.
- 1406 8. A worker employed by a public or private hospital in
- 1407 the state.
- 1408 9. A paramedic as defined in s. 401.23(17).
- 1409 10. An emergency medical technician as defined in s.
- 1410 401.23(11).
- 1411 11. A firefighter as defined in s. 633.102.
- 1412 12. A law enforcement officer as defined in s. 943.10.
- 1413 13. A member of the Florida National Guard.
- 1414 14. Any other personnel designated as emergency personnel
- 1415 by the Governor pursuant to a declared emergency.
- 1416 Section 19. Paragraph (c) of subsection (1) of section
- 1417 310.071, Florida Statutes, is amended to read:
- 1418 310.071 Deputy pilot certification.—
- 1419 (1) In addition to meeting other requirements specified in
- 1420 this chapter, each applicant for certification as a deputy pilot
- 1421 must:
- 1422 (c) Be in good physical and mental health, as evidenced by
- 1423 documentary proof of having satisfactorily passed a complete
- 1424 physical examination administered by a licensed physician,

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1425 | licensed physician assistant, or registered independent advanced
 1426 | practice registered nurse within the preceding 6 months. The
 1427 | board shall adopt rules to establish requirements for passing
 1428 | the physical examination, which rules shall establish minimum
 1429 | standards for the physical or mental capabilities necessary to
 1430 | carry out the professional duties of a certificated deputy
 1431 | pilot. Such standards shall include zero tolerance for any
 1432 | controlled substance regulated under chapter 893 unless that
 1433 | individual is under the care of a physician, an independent
 1434 | advanced practice registered nurse, an advanced practice
 1435 | registered nurse ~~practitioner~~, or a physician assistant and that
 1436 | controlled substance was prescribed by that physician,
 1437 | independent advanced practice registered nurse, advanced
 1438 | practice registered nurse ~~practitioner~~, or physician assistant.
 1439 | To maintain eligibility as a certificated deputy pilot, each
 1440 | certificated deputy pilot must annually provide documentary
 1441 | proof of having satisfactorily passed a complete physical
 1442 | examination administered by a licensed physician, licensed
 1443 | physician assistant, or registered independent advanced practice
 1444 | registered nurse. The practitioner ~~physician~~ must know the
 1445 | minimum standards and certify that the certificateholder
 1446 | satisfactorily meets the standards. The standards for
 1447 | certificateholders shall include a drug test.

1448 | Section 20. Subsection (3) of section 310.073, Florida
 1449 | Statutes, is amended to read:

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1450 310.073 State pilot licensing.—In addition to meeting
 1451 other requirements specified in this chapter, each applicant for
 1452 license as a state pilot must:

1453 (3) Be in good physical and mental health, as evidenced by
 1454 documentary proof of having satisfactorily passed a complete
 1455 physical examination administered by a licensed physician,
 1456 licensed physician assistant, or registered independent advanced
 1457 practice registered nurse within the preceding 6 months. The
 1458 board shall adopt rules to establish requirements for passing
 1459 the physical examination, which rules shall establish minimum
 1460 standards for the physical or mental capabilities necessary to
 1461 carry out the professional duties of a licensed state pilot.
 1462 Such standards shall include zero tolerance for any controlled
 1463 substance regulated under chapter 893 unless that individual is
 1464 under the care of a physician, an independent advanced practice
 1465 registered nurse, an advanced practice registered nurse
 1466 ~~practitioner~~, or a physician assistant and that controlled
 1467 substance was prescribed by that physician, independent advanced
 1468 practice registered nurse, advanced practice registered nurse
 1469 ~~practitioner~~, or physician assistant. To maintain eligibility as
 1470 a licensed state pilot, each licensed state pilot must annually
 1471 provide documentary proof of having satisfactorily passed a
 1472 complete physical examination administered by a licensed
 1473 physician, licensed physician assistant, or registered
 1474 independent advanced practice registered nurse. The examining

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1475 | practitioner ~~physician~~ must know the minimum standards and
 1476 | certify that the licensee satisfactorily meets the standards.
 1477 | The standards for licensees shall include a drug test.

1478 | Section 21. Paragraph (b) of subsection (3) of section
 1479 | 310.081, Florida Statutes, is amended to read:

1480 | 310.081 Department to examine and license state pilots and
 1481 | certificate deputy pilots; vacancies.—

1482 | (3) Pilots shall hold their licenses or certificates
 1483 | pursuant to the requirements of this chapter so long as they:

1484 | (b) Are in good physical and mental health as evidenced by
 1485 | documentary proof of having satisfactorily passed a physical
 1486 | examination administered by a licensed physician, an independent
 1487 | advanced practice registered nurse, or a physician assistant
 1488 | within each calendar year. The board shall adopt rules to
 1489 | establish requirements for passing the physical examination,
 1490 | which rules shall establish minimum standards for the physical
 1491 | or mental capabilities necessary to carry out the professional
 1492 | duties of a licensed state pilot or a certificated deputy pilot.
 1493 | Such standards shall include zero tolerance for any controlled
 1494 | substance regulated under chapter 893 unless that individual is
 1495 | under the care of a physician, independent advanced practice
 1496 | registered nurse, an advanced practice registered nurse
 1497 | ~~practitioner~~, or a physician assistant and that controlled
 1498 | substance was prescribed by that physician, independent advanced
 1499 | practice registered nurse, advanced practice registered nurse

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1500 ~~practitioner~~, or physician assistant. To maintain eligibility as
 1501 a certificated deputy pilot or licensed state pilot, each
 1502 certificated deputy pilot or licensed state pilot must annually
 1503 provide documentary proof of having satisfactorily passed a
 1504 complete physical examination administered by a licensed
 1505 physician. The examining practitioner ~~physician~~ must know the
 1506 minimum standards and certify that the certificateholder or
 1507 licensee satisfactorily meets the standards. The standards for
 1508 certificateholders and for licensees shall include a drug test.

1509
 1510 Upon resignation or in the case of disability permanently
 1511 affecting a pilot's ability to serve, the state license or
 1512 certificate issued under this chapter shall be revoked by the
 1513 department.

1514 Section 22. Paragraph (b) of subsection (1) of section
 1515 320.0848, Florida Statutes, is amended to read:

1516 320.0848 Persons who have disabilities; issuance of
 1517 disabled parking permits; temporary permits; permits for certain
 1518 providers of transportation services to persons who have
 1519 disabilities.-

1520 (1)
 1521 (b)1. The person must be currently certified as being
 1522 legally blind or as having any of the following disabilities
 1523 that render him or her unable to walk 200 feet without stopping
 1524 to rest:

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1525 a. Inability to walk without the use of or assistance from
 1526 a brace, cane, crutch, prosthetic device, or other assistive
 1527 device, or without the assistance of another person. If the
 1528 assistive device significantly restores the person's ability to
 1529 walk to the extent that the person can walk without severe
 1530 limitation, the person is not eligible for the exemption parking
 1531 permit.

1532 b. The need to permanently use a wheelchair.

1533 c. Restriction by lung disease to the extent that the
 1534 person's forced (respiratory) expiratory volume for 1 second,
 1535 when measured by spirometry, is less than 1 liter, or the
 1536 person's arterial oxygen is less than 60 mm/hg on room air at
 1537 rest.

1538 d. Use of portable oxygen.

1539 e. Restriction by cardiac condition to the extent that the
 1540 person's functional limitations are classified in severity as
 1541 Class III or Class IV according to standards set by the American
 1542 Heart Association.

1543 f. Severe limitation in the person's ability to walk due
 1544 to an arthritic, neurological, or orthopedic condition.

1545 2. The certification of disability which is required under
 1546 subparagraph 1. must be provided by a physician licensed under
 1547 chapter 458, chapter 459, or chapter 460, by a podiatric
 1548 physician licensed under chapter 461; ~~by~~ by an optometrist
 1549 licensed under chapter 463; ~~by~~ an independent advanced practice

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1550 | registered nurse registered, or an advanced practice registered
 1551 | nurse certified, practitioner licensed under part I of chapter
 1552 | 464; under the protocol of a licensed physician as stated in
 1553 | ~~this subparagraph, by~~ a physician assistant licensed under
 1554 | chapter 458 or chapter 459, or by a similarly licensed physician
 1555 | from another state if the application is accompanied by
 1556 | documentation of the physician's licensure in the other state
 1557 | and a form signed by the out-of-state physician verifying his or
 1558 | her knowledge of this state's eligibility guidelines.

1559 | Section 23. Paragraph (c) of subsection (1) of section
 1560 | 381.00315, Florida Statutes, is amended to read:

1561 | 381.00315 Public health advisories; public health
 1562 | emergencies; isolation and quarantines.—The State Health Officer
 1563 | is responsible for declaring public health emergencies, issuing
 1564 | public health advisories, and ordering isolation or quarantines.

1565 | (1) As used in this section, the term:

1566 | (c) "Public health emergency" means any occurrence, or
 1567 | threat thereof, whether natural or manmade, which results or may
 1568 | result in substantial injury or harm to the public health from
 1569 | infectious disease, chemical agents, nuclear agents, biological
 1570 | toxins, or situations involving mass casualties or natural
 1571 | disasters. Before declaring a public health emergency, the State
 1572 | Health Officer shall, to the extent possible, consult with the
 1573 | Governor and shall notify the Chief of Domestic Security. The
 1574 | declaration of a public health emergency shall continue until

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1575 | the State Health Officer finds that the threat or danger has
 1576 | been dealt with to the extent that the emergency conditions no
 1577 | longer exist and he or she terminates the declaration. However,
 1578 | a declaration of a public health emergency may not continue for
 1579 | longer than 60 days unless the Governor concurs in the renewal
 1580 | of the declaration. The State Health Officer, upon declaration
 1581 | of a public health emergency, may take actions that are
 1582 | necessary to protect the public health. Such actions include,
 1583 | but are not limited to:

1584 | 1. Directing manufacturers of prescription drugs or over-
 1585 | the-counter drugs who are permitted under chapter 499 and
 1586 | wholesalers of prescription drugs located in this state who are
 1587 | permitted under chapter 499 to give priority to the shipping of
 1588 | specified drugs to pharmacies and health care providers within
 1589 | geographic areas that have been identified by the State Health
 1590 | Officer. The State Health Officer must identify the drugs to be
 1591 | shipped. Manufacturers and wholesalers located in the state must
 1592 | respond to the State Health Officer's priority shipping
 1593 | directive before shipping the specified drugs.

1594 | 2. Notwithstanding chapters 465 and 499 and rules adopted
 1595 | thereunder, directing pharmacists employed by the department to
 1596 | compound bulk prescription drugs and provide these bulk
 1597 | prescription drugs to physicians and nurses of county health
 1598 | departments or any qualified person authorized by the State
 1599 | Health Officer for administration to persons as part of a

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1600 prophylactic or treatment regimen.

1601 3. Notwithstanding s. 456.036, temporarily reactivating

1602 the inactive license of the following health care practitioners,

1603 when such practitioners are needed to respond to the public

1604 health emergency: physicians licensed under chapter 458 or

1605 chapter 459; physician assistants licensed under chapter 458 or

1606 chapter 459; independent advanced practice registered nurses

1607 registered ~~licensed~~ practical nurses or, registered nurses

1608 licensed, and advanced practice registered nurses certified

1609 ~~nurse practitioners licensed~~ under part I of chapter 464;

1610 respiratory therapists licensed under part V of chapter 468; and

1611 emergency medical technicians and paramedics certified under

1612 part III of chapter 401. Only those health care practitioners

1613 specified in this paragraph who possess an unencumbered inactive

1614 license and who request that such license be reactivated are

1615 eligible for reactivation. An inactive license that is

1616 reactivated under this paragraph shall return to inactive status

1617 when the public health emergency ends or before the end of the

1618 public health emergency if the State Health Officer determines

1619 that the health care practitioner is no longer needed to provide

1620 services during the public health emergency. Such licenses may

1621 only be reactivated for a period not to exceed 90 days without

1622 meeting the requirements of s. 456.036 or chapter 401, as

1623 applicable.

1624 4. Ordering an individual to be examined, tested,

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1625 vaccinated, treated, isolated, or quarantined for communicable
 1626 diseases that have significant morbidity or mortality and
 1627 present a severe danger to public health. Individuals who are
 1628 unable or unwilling to be examined, tested, vaccinated, or
 1629 treated for reasons of health, religion, or conscience may be
 1630 subjected to isolation or quarantine.

1631 a. Examination, testing, vaccination, or treatment may be
 1632 performed by any qualified person authorized by the State Health
 1633 Officer.

1634 b. If the individual poses a danger to the public health,
 1635 the State Health Officer may subject the individual to isolation
 1636 or quarantine. If there is no practical method to isolate or
 1637 quarantine the individual, the State Health Officer may use any
 1638 means necessary to vaccinate or treat the individual.

1639
 1640 Any order of the State Health Officer given to effectuate this
 1641 paragraph shall be immediately enforceable by a law enforcement
 1642 officer under s. 381.0012.

1643 Section 24. Subsection (3) of section 381.00593, Florida
 1644 Statutes, is amended to read:

1645 381.00593 Public school volunteer health care practitioner
 1646 program.—

1647 (3) For purposes of this section, the term "health care
 1648 practitioner" means a physician or physician assistant licensed
 1649 under chapter 458; an osteopathic physician or physician

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1650 assistant licensed under chapter 459; a chiropractic physician
 1651 licensed under chapter 460; a podiatric physician licensed under
 1652 chapter 461; an optometrist licensed under chapter 463; an
 1653 independent advanced practice registered nurse registered, an
 1654 advanced practice registered nurse certified practitioner, or a
 1655 registered nurse, or licensed practical nurse licensed under
 1656 part I of chapter 464; a pharmacist licensed under chapter 465;
 1657 a dentist or dental hygienist licensed under chapter 466; a
 1658 midwife licensed under chapter 467; a speech-language
 1659 pathologist or audiologist licensed under part I of chapter 468;
 1660 a dietitian/nutritionist licensed under part X of chapter 468;
 1661 or a physical therapist licensed under chapter 486.

1662 Section 25. Paragraph (c) of subsection (2) of section
 1663 381.026, Florida Statutes, is amended to read:

1664 381.026 Florida Patient's Bill of Rights and
 1665 Responsibilities.—

1666 (2) DEFINITIONS.—As used in this section and s. 381.0261,
 1667 the term:

1668 (c) "Health care provider" means a physician or physician
 1669 assistant licensed under chapter 458, an osteopathic physician
 1670 or physician assistant licensed under chapter 459, ~~or~~ a
 1671 podiatric physician licensed under chapter 461, or an
 1672 independent advanced practice registered nurse registered under
 1673 part I of chapter 464.

1674 Section 26. Paragraph (a) of subsection (2) and

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1675 subsections (3), (4), and (5) of section 382.008, Florida
 1676 Statutes, are amended to read:
 1677 382.008 Death and fetal death registration.—
 1678 (2) (a) The funeral director who first assumes custody of a
 1679 dead body or fetus shall file the certificate of death or fetal
 1680 death. In the absence of the funeral director, the physician,
 1681 physician assistant, independent advanced practice registered
 1682 nurse, advanced practice registered nurse, or other person in
 1683 attendance at or after the death or the district medical
 1684 examiner of the county in which the death occurred or the body
 1685 was found shall file the certificate of death or fetal death.
 1686 The person who files the certificate shall obtain personal data
 1687 from a legally authorized person as described in s. 497.005 or
 1688 the best qualified person or source available. The medical
 1689 certification of cause of death shall be furnished to the
 1690 funeral director, either in person or via certified mail or
 1691 electronic transfer, by the physician, physician assistant,
 1692 independent advanced practice registered nurse, advanced
 1693 practice registered nurse, or medical examiner responsible for
 1694 furnishing such information. For fetal deaths, the physician,
 1695 certified nurse midwife, midwife, or hospital administrator
 1696 shall provide any medical or health information to the funeral
 1697 director within 72 hours after expulsion or extraction.
 1698 (3) Within 72 hours after receipt of a death or fetal
 1699 death certificate from the funeral director, the medical

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1700 certification of cause of death shall be completed and made
 1701 available to the funeral director by the decedent's primary or
 1702 attending practitioner ~~physician~~ or, if s. 382.011 applies, the
 1703 district medical examiner of the county in which the death
 1704 occurred or the body was found. The primary or attending
 1705 practitioner ~~physician~~ or the medical examiner shall certify
 1706 over his or her signature the cause of death to the best of his
 1707 or her knowledge and belief. As used in this section, the term
 1708 "primary or attending practitioner ~~physician~~" means a physician,
 1709 a physician assistant, an independent advanced practice
 1710 registered nurse, or an advanced practice registered nurse, who
 1711 treated the decedent through examination, medical advice, or
 1712 medication during the 12 months preceding the date of death.

1713 (a) The department may grant the funeral director an
 1714 extension of time upon a good and sufficient showing of any of
 1715 the following conditions:

- 1716 1. An autopsy is pending.
- 1717 2. Toxicology, laboratory, or other diagnostic reports
 1718 have not been completed.
- 1719 3. The identity of the decedent is unknown and further
 1720 investigation or identification is required.

1721 (b) If the decedent's primary or attending practitioner
 1722 ~~physician~~ or the district medical examiner of the county in
 1723 which the death occurred or the body was found indicates that he
 1724 or she will sign and complete the medical certification of cause

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1725 of death but will not be available until after the 5-day
 1726 registration deadline, the local registrar may grant an
 1727 extension of 5 days. If a further extension is required, the
 1728 funeral director must provide written justification to the
 1729 registrar.

1730 (4) If the department or local registrar grants an
 1731 extension of time to provide the medical certification of cause
 1732 of death, the funeral director shall file a temporary
 1733 certificate of death or fetal death which shall contain all
 1734 available information, including the fact that the cause of
 1735 death is pending. The decedent's primary or attending
 1736 practitioner physician or the district medical examiner of the
 1737 county in which the death occurred or the body was found shall
 1738 provide an estimated date for completion of the permanent
 1739 certificate.

1740 (5) A permanent certificate of death or fetal death,
 1741 containing the cause of death and any other information that was
 1742 previously unavailable, shall be registered as a replacement for
 1743 the temporary certificate. The permanent certificate may also
 1744 include corrected information if the items being corrected are
 1745 noted on the back of the certificate and dated and signed by the
 1746 funeral director, physician, physician assistant, independent
 1747 advanced practice registered nurse, advanced practice registered
 1748 nurse, or district medical examiner of the county in which the
 1749 death occurred or the body was found, as appropriate.

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1750 Section 27. Paragraph (c) of subsection (1) of section
 1751 383.14, Florida Statutes, is amended to read:
 1752 383.14 Screening for metabolic disorders, other hereditary
 1753 and congenital disorders, and environmental risk factors.—
 1754 (1) SCREENING REQUIREMENTS.—To help ensure access to the
 1755 maternal and child health care system, the Department of Health
 1756 shall promote the screening of all newborns born in Florida for
 1757 metabolic, hereditary, and congenital disorders known to result
 1758 in significant impairment of health or intellect, as screening
 1759 programs accepted by current medical practice become available
 1760 and practical in the judgment of the department. The department
 1761 shall also promote the identification and screening of all
 1762 newborns in this state and their families for environmental risk
 1763 factors such as low income, poor education, maternal and family
 1764 stress, emotional instability, substance abuse, and other high-
 1765 risk conditions associated with increased risk of infant
 1766 mortality and morbidity to provide early intervention,
 1767 remediation, and prevention services, including, but not limited
 1768 to, parent support and training programs, home visitation, and
 1769 case management. Identification, perinatal screening, and
 1770 intervention efforts shall begin prior to and immediately
 1771 following the birth of the child by the attending health care
 1772 provider. Such efforts shall be conducted in hospitals,
 1773 perinatal centers, county health departments, school health
 1774 programs that provide prenatal care, and birthing centers, and

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1775 | reported to the Office of Vital Statistics.

1776 | (c) Release of screening results.—Notwithstanding any law
 1777 | to the contrary, the State Public Health Laboratory may release,
 1778 | directly or through the Children's Medical Services program, the
 1779 | results of a newborn's hearing and metabolic tests or screenings
 1780 | to the newborn's health care practitioner. As used in this
 1781 | paragraph, the term "health care practitioner" means a physician
 1782 | or physician assistant licensed under chapter 458; an
 1783 | osteopathic physician or physician assistant licensed under
 1784 | chapter 459; an independent advanced practice registered nurse
 1785 | registered, an advanced practice registered nurse certified
 1786 | practitioner, or a registered nurse, or ~~licensed~~ practical nurse
 1787 | licensed under part I of chapter 464; a midwife licensed under
 1788 | chapter 467; a speech-language pathologist or audiologist
 1789 | licensed under part I of chapter 468; or a dietician or
 1790 | nutritionist licensed under part X of chapter 468.

1791 | Section 28. Paragraph (c) of subsection (1) of section
 1792 | 383.141, Florida Statutes, is amended to read:

1793 | 383.141 Prenatally diagnosed conditions; patient to be
 1794 | provided information; definitions; information clearinghouse;
 1795 | advisory council.—

1796 | (1) As used in this section, the term:

1797 | (c) "Health care provider" means a practitioner licensed
 1798 | or registered under chapter 458 or chapter 459, or an
 1799 | independent advanced practice registered nurse registered, or an

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1800 advanced practice registered nurse ~~practitioner~~ certified, under
 1801 part I of chapter 464.

1802 Section 29. Paragraph (a) of subsection (7) of section
 1803 384.27, Florida Statutes, is amended to read:

1804 384.27 Physical examination and treatment.—

1805 (7) (a) A health care practitioner licensed under chapter
 1806 458 or chapter 459, registered under s. 464.0125, or certified
 1807 under s. 464.012 may provide expedited partner therapy if the
 1808 following requirements are met:

1809 1. The patient has a laboratory-confirmed or suspected
 1810 clinical diagnosis of a sexually transmissible disease.

1811 2. The patient indicates that he or she has a partner with
 1812 whom he or she engaged in sexual activity before the diagnosis
 1813 of the sexually transmissible disease.

1814 3. The patient indicates that his or her partner is unable
 1815 or unlikely to seek clinical services in a timely manner.

1816 Section 30. Paragraph (a) of subsection (3) of section
 1817 390.0111, Florida Statutes, is amended to read:

1818 390.0111 Termination of pregnancies.—

1819 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
 1820 be performed or induced except with the voluntary and informed
 1821 written consent of the pregnant woman or, in the case of a
 1822 mental incompetent, the voluntary and informed written consent
 1823 of her court-appointed guardian.

1824 (a) Except in the case of a medical emergency, consent to

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1825 a termination of pregnancy is voluntary and informed only if:
 1826 1. The physician who is to perform the procedure, or the
 1827 referring physician, has, at a minimum, orally, while physically
 1828 present in the same room, and at least 24 hours before the
 1829 procedure, informed the woman of:
 1830 a. The nature and risks of undergoing or not undergoing
 1831 the proposed procedure that a reasonable patient would consider
 1832 material to making a knowing and willful decision of whether to
 1833 terminate a pregnancy.
 1834 b. The probable gestational age of the fetus, verified by
 1835 an ultrasound, at the time the termination of pregnancy is to be
 1836 performed.
 1837 (I) The ultrasound must be performed by the physician who
 1838 is to perform the abortion or by a person having documented
 1839 evidence that he or she has completed a course in the operation
 1840 of ultrasound equipment as prescribed by rule and who is working
 1841 in conjunction with the physician.
 1842 (II) The person performing the ultrasound must offer the
 1843 woman the opportunity to view the live ultrasound images and
 1844 hear an explanation of them. If the woman accepts the
 1845 opportunity to view the images and hear the explanation, a
 1846 physician or a registered nurse, licensed practical nurse,
 1847 advanced practice registered nurse ~~practitioner~~, an independent
 1848 advanced practice registered nurse, or a physician assistant
 1849 working in conjunction with the physician must contemporaneously

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1850 review and explain the images to the woman before the woman
 1851 gives informed consent to having an abortion procedure
 1852 performed.

1853 (III) The woman has a right to decline to view and hear
 1854 the explanation of the live ultrasound images after she is
 1855 informed of her right and offered an opportunity to view the
 1856 images and hear the explanation. If the woman declines, the
 1857 woman shall complete a form acknowledging that she was offered
 1858 an opportunity to view and hear the explanation of the images
 1859 but that she declined that opportunity. The form must also
 1860 indicate that the woman's decision was not based on any undue
 1861 influence from any person to discourage her from viewing the
 1862 images or hearing the explanation and that she declined of her
 1863 own free will.

1864 (IV) Unless requested by the woman, the person performing
 1865 the ultrasound may not offer the opportunity to view the images
 1866 and hear the explanation and the explanation may not be given
 1867 if, at the time the woman schedules or arrives for her
 1868 appointment to obtain an abortion, a copy of a restraining
 1869 order, police report, medical record, or other court order or
 1870 documentation is presented which provides evidence that the
 1871 woman is obtaining the abortion because the woman is a victim of
 1872 rape, incest, domestic violence, or human trafficking or that
 1873 the woman has been diagnosed as having a condition that, on the
 1874 basis of a physician's good faith clinical judgment, would

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1875 create a serious risk of substantial and irreversible impairment
 1876 of a major bodily function if the woman delayed terminating her
 1877 pregnancy.

1878 c. The medical risks to the woman and fetus of carrying
 1879 the pregnancy to term.

1880
 1881 The physician may provide the information required in this
 1882 subparagraph within 24 hours before the procedure if requested
 1883 by the woman at the time she schedules or arrives for her
 1884 appointment to obtain an abortion and if she presents to the
 1885 physician a copy of a restraining order, police report, medical
 1886 record, or other court order or documentation evidencing that
 1887 she is obtaining the abortion because she is a victim of rape,
 1888 incest, domestic violence, or human trafficking.

1889 2. Printed materials prepared and provided by the
 1890 department have been provided to the pregnant woman, if she
 1891 chooses to view these materials, including:

1892 a. A description of the fetus, including a description of
 1893 the various stages of development.

1894 b. A list of entities that offer alternatives to
 1895 terminating the pregnancy.

1896 c. Detailed information on the availability of medical
 1897 assistance benefits for prenatal care, childbirth, and neonatal
 1898 care.

1899 3. The woman acknowledges in writing, before the

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1900 termination of pregnancy, that the information required to be
 1901 provided under this subsection has been provided.

1902
 1903 Nothing in this paragraph is intended to prohibit a physician
 1904 from providing any additional information which the physician
 1905 deems material to the woman's informed decision to terminate her
 1906 pregnancy.

1907 Section 31. Paragraphs (c), (e), and (f) of subsection (3)
 1908 of section 390.012, Florida Statutes, are amended to read:

1909 390.012 Powers of agency; rules; disposal of fetal
 1910 remains.—

1911 (3) For clinics that perform or claim to perform abortions
 1912 after the first trimester of pregnancy, the agency shall adopt
 1913 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 1914 provisions of this chapter, including the following:

1915 (c) Rules relating to abortion clinic personnel. At a
 1916 minimum, these rules shall require that:

1917 1. The abortion clinic designate a medical director who is
 1918 licensed to practice medicine in this state, and all physicians
 1919 who perform abortions in the clinic have admitting privileges at
 1920 a hospital within reasonable proximity to the clinic, unless the
 1921 clinic has a written patient transfer agreement with a hospital
 1922 within reasonable proximity to the clinic which includes the
 1923 transfer of the patient's medical records held by both the
 1924 clinic and the treating physician.

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1925 2. If a physician is not present after an abortion is
 1926 performed, a registered nurse, a licensed practical nurse, an
 1927 independent advanced practice registered nurse, an advanced
 1928 practice registered nurse ~~practitioner~~, or a physician assistant
 1929 be present and remain at the clinic to provide postoperative
 1930 monitoring and care until the patient is discharged.

1931 3. Surgical assistants receive training in counseling,
 1932 patient advocacy, and the specific responsibilities associated
 1933 with the services the surgical assistants provide.

1934 4. Volunteers receive training in the specific
 1935 responsibilities associated with the services the volunteers
 1936 provide, including counseling and patient advocacy as provided
 1937 in the rules adopted by the director for different types of
 1938 volunteers based on their responsibilities.

1939 (e) Rules relating to the abortion procedure. At a
 1940 minimum, these rules shall require:

1941 1. That a physician, a registered nurse, a licensed
 1942 practical nurse, an advanced practice registered nurse
 1943 ~~practitioner~~, an independent advanced practice registered nurse,
 1944 or a physician assistant is available to all patients throughout
 1945 the abortion procedure.

1946 2. Standards for the safe conduct of abortion procedures
 1947 that conform to obstetric standards in keeping with established
 1948 standards of care regarding the estimation of fetal age as
 1949 defined in rule.

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1950 3. Appropriate use of general and local anesthesia,
 1951 analgesia, and sedation if ordered by the physician.
 1952 4. Appropriate precautions, such as the establishment of
 1953 intravenous access at least for patients undergoing post-first
 1954 trimester abortions.
 1955 5. Appropriate monitoring of the vital signs and other
 1956 defined signs and markers of the patient's status throughout the
 1957 abortion procedure and during the recovery period until the
 1958 patient's condition is deemed to be stable in the recovery room.
 1959 (f) Rules that prescribe minimum recovery room standards.
 1960 At a minimum, these rules must require that:
 1961 1. Postprocedure recovery rooms be supervised and staffed
 1962 to meet the patients' needs.
 1963 2. Immediate postprocedure care consist of observation in
 1964 a supervised recovery room for as long as the patient's
 1965 condition warrants.
 1966 3. A registered nurse, a licensed practical nurse, an
 1967 advanced practice registered nurse practitioner, an independent
 1968 advanced practice registered nurse, or physician assistant who
 1969 is trained in the management of the recovery area and is capable
 1970 of providing basic cardiopulmonary resuscitation and related
 1971 emergency procedures remain on the premises of the abortion
 1972 clinic until all patients are discharged.
 1973 4. A physician sign the discharge order and be readily
 1974 accessible and available until the last patient is discharged to

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1975 facilitate the transfer of emergency cases if hospitalization of
 1976 the patient or viable fetus is necessary.

1977 5. A physician discuss Rho(D) immune globulin with each
 1978 patient for whom it is indicated and ensure that it is offered
 1979 to the patient in the immediate postoperative period or will be
 1980 available to her within 72 hours after completion of the
 1981 abortion procedure. If the patient refuses the Rho(D) immune
 1982 globulin, she and a witness must sign a refusal form approved by
 1983 the agency which must be included in the medical record.

1984 6. Written instructions with regard to postabortion
 1985 coitus, signs of possible problems, and general aftercare which
 1986 are specific to the patient be given to each patient. The
 1987 instructions must include information regarding access to
 1988 medical care for complications, including a telephone number for
 1989 use in the event of a medical emergency.

1990 7. A minimum length of time be specified, by type of
 1991 abortion procedure and duration of gestation, during which a
 1992 patient must remain in the recovery room.

1993 8. The physician ensures ~~ensure~~ that, with the patient's
 1994 consent, a registered nurse, a licensed practical nurse, an
 1995 advanced practice registered nurse ~~practitioner~~, an independent
 1996 advance practice registered nurse, or a physician assistant from
 1997 the abortion clinic makes a good faith effort to contact the
 1998 patient by telephone within 24 hours after surgery to assess the
 1999 patient's recovery.

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2000 9. Equipment and services be readily accessible to provide
 2001 appropriate emergency resuscitative and life support procedures
 2002 pending the transfer of the patient or viable fetus to the
 2003 hospital.

2004 Section 32. Subsection (35) of section 394.455, Florida
 2005 Statutes, is amended to read:

2006 394.455 Definitions.—As used in this part, the term:

2007 (35) "Psychiatric nurse" means an advanced practice
 2008 registered nurse ~~practitioner~~ certified or an independent
 2009 advanced practice registered nurse registered under part I of
 2010 chapter 464 s. 464.012 who has a master's or doctoral degree in
 2011 psychiatric nursing, holds a national advanced practice
 2012 certification as a psychiatric mental health advanced practice
 2013 nurse, and has 2 years of post-master's clinical experience
 2014 under the supervision of a physician, or an independent advanced
 2015 practice registered nurse registered under, or an advanced
 2016 practice registered nurse certified under, part I of chapter
 2017 464, who obtains national certification as a psychiatric-mental
 2018 health advanced practice nurse.

2019 Section 33. Paragraphs (a) and (f) of subsection (2) of
 2020 section 394.463, Florida Statutes, are amended to read:

2021 394.463 Involuntary examination.—

2022 (2) INVOLUNTARY EXAMINATION.—

2023 (a) An involuntary examination may be initiated by any one
 2024 of the following means:

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2025 1. A circuit or county court may enter an ex parte order
 2026 stating that a person appears to meet the criteria for
 2027 involuntary examination and specifying the findings on which
 2028 that conclusion is based. The ex parte order for involuntary
 2029 examination must be based on written or oral sworn testimony
 2030 that includes specific facts that support the findings. If other
 2031 less restrictive means are not available, such as voluntary
 2032 appearance for outpatient evaluation, a law enforcement officer,
 2033 or other designated agent of the court, shall take the person
 2034 into custody and deliver him or her to an appropriate, or the
 2035 nearest, facility within the designated receiving system
 2036 pursuant to s. 394.462 for involuntary examination. The order of
 2037 the court shall be made a part of the patient's clinical record.
 2038 A fee may not be charged for the filing of an order under this
 2039 subsection. A facility accepting the patient based on this order
 2040 must send a copy of the order to the department the next working
 2041 day. The order may be submitted electronically through existing
 2042 data systems, if available. The order shall be valid only until
 2043 the person is delivered to the facility or for the period
 2044 specified in the order itself, whichever comes first. If no time
 2045 limit is specified in the order, the order shall be valid for 7
 2046 days after the date that the order was signed.

2047 2. A law enforcement officer shall take a person who
 2048 appears to meet the criteria for involuntary examination into
 2049 custody and deliver the person or have him or her delivered to

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2050 an appropriate, or the nearest, facility within the designated
 2051 receiving system pursuant to s. 394.462 for examination. The
 2052 officer shall execute a written report detailing the
 2053 circumstances under which the person was taken into custody,
 2054 which must be made a part of the patient's clinical record. Any
 2055 facility accepting the patient based on this report must send a
 2056 copy of the report to the department the next working day.

2057 3. A physician, a physician assistant, a clinical
 2058 psychologist, a psychiatric nurse, an independent advanced
 2059 practice registered nurse, an advanced practice registered
 2060 nurse, a mental health counselor, marriage and family therapist,
 2061 or clinical social worker may execute a certificate stating that
 2062 he or she has examined a person within the preceding 48 hours
 2063 and finds that the person appears to meet the criteria for
 2064 involuntary examination and stating the observations upon which
 2065 that conclusion is based. If other less restrictive means, such
 2066 as voluntary appearance for outpatient evaluation, are not
 2067 available, a law enforcement officer shall take into custody the
 2068 person named in the certificate and deliver him or her to the
 2069 appropriate, or nearest, facility within the designated
 2070 receiving system pursuant to s. 394.462 for involuntary
 2071 examination. The law enforcement officer shall execute a written
 2072 report detailing the circumstances under which the person was
 2073 taken into custody. The report and certificate shall be made a
 2074 part of the patient's clinical record. Any facility accepting

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2075 | the patient based on this certificate must send a copy of the
 2076 | certificate to the department the next working day. The document
 2077 | may be submitted electronically through existing data systems,
 2078 | if applicable.

2079 | (f) A patient shall be examined by a physician, physician
 2080 | assistant, ~~or~~ a clinical psychologist, or by a psychiatric nurse
 2081 | performing within the framework of an established protocol with
 2082 | a psychiatrist at a facility without unnecessary delay to
 2083 | determine if the criteria for involuntary services are met.
 2084 | Emergency treatment may be provided upon the order of a
 2085 | physician if the physician determines that such treatment is
 2086 | necessary for the safety of the patient or others. The patient
 2087 | may not be released by the receiving facility or its contractor
 2088 | without the documented approval of a psychiatrist or a clinical
 2089 | psychologist or, if the receiving facility is owned or operated
 2090 | by a hospital or health system, the release may also be approved
 2091 | by a psychiatric nurse performing within the framework of an
 2092 | established protocol with a psychiatrist, or an attending
 2093 | emergency department physician with experience in the diagnosis
 2094 | and treatment of mental illness after completion of an
 2095 | involuntary examination pursuant to this subsection. A
 2096 | psychiatric nurse may not approve the release of a patient if
 2097 | the involuntary examination was initiated by a psychiatrist
 2098 | unless the release is approved by the initiating psychiatrist.

2099 | Section 34. Paragraphs (a) and (b) of subsection (2) and

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2100 subsection (4) of section 395.0191, Florida Statutes, are
 2101 amended to read:
 2102 395.0191 Staff membership and clinical privileges.—
 2103 (2) (a) Each licensed facility shall establish rules and
 2104 procedures for consideration of an application for clinical
 2105 privileges submitted by an independent advanced practice
 2106 registered nurse registered, or an advanced practice registered
 2107 nurse practitioner licensed and certified, under part I of
 2108 chapter 464, in accordance with the provisions of this section.
 2109 A ~~No~~ licensed facility may not shall deny such application
 2110 solely because the applicant is registered or certified licensed
 2111 under part I of chapter 464 or because the applicant is not a
 2112 participant in the Florida Birth-Related Neurological Injury
 2113 Compensation Plan.
 2114 (b) An advanced practice registered nurse ~~practitioner~~ who
 2115 is a certified ~~as a~~ registered nurse anesthetist ~~licensed~~ under
 2116 part I of chapter 464 shall administer anesthesia under the
 2117 onsite medical direction of a professional licensed under
 2118 chapter 458, chapter 459, or chapter 466, and in accordance with
 2119 an established protocol approved by the medical staff. The
 2120 medical direction shall specifically address the needs of the
 2121 individual patient. This paragraph does not apply to an
 2122 independent advanced practice registered nurse who is a
 2123 certified registered nurse anesthetist under part I of chapter
 2124 464.

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2125 (4) Nothing herein shall restrict in any way the authority
 2126 of the medical staff of a licensed facility to review for
 2127 approval or disapproval all applications for appointment and
 2128 reappointment to all categories of staff and to make
 2129 recommendations on each applicant to the governing board,
 2130 including the delineation of privileges to be granted in each
 2131 case. In making such recommendations and in the delineation of
 2132 privileges, each applicant shall be considered individually
 2133 pursuant to criteria for a doctor licensed under chapter 458,
 2134 chapter 459, chapter 461, or chapter 466;~~;~~~~or~~ for an independent
 2135 advanced practice registered nurse registered, or an advanced
 2136 practice registered nurse ~~practitioner licensed and certified~~
 2137 under part I of chapter 464;~~;~~ or for a psychologist licensed
 2138 under chapter 490, as applicable. The applicant's eligibility
 2139 for staff membership or clinical privileges shall be determined
 2140 by the applicant's background, experience, health, training, and
 2141 demonstrated competency; the applicant's adherence to applicable
 2142 professional ethics; the applicant's reputation; and the
 2143 applicant's ability to work with others and by such other
 2144 elements as determined by the governing board, consistent with
 2145 this part.

2146 Section 35. Subsection (3) of section 395.602, Florida
 2147 Statutes, is amended to read:

2148 395.602 Rural hospitals.—

2149 (3) USE OF FUNDS.—It is the intent of the Legislature that

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2150 funds as appropriated shall be utilized by the department for
 2151 the purpose of increasing the number of primary care physicians,
 2152 physician assistants, certified nurse midwives, certified nurse
 2153 practitioners, and nurses in rural areas, either through the
 2154 Medical Education Reimbursement and Loan Repayment Program as
 2155 defined by s. 1009.65 or through a federal loan repayment
 2156 program which requires state matching funds. The department may
 2157 use funds appropriated for the Medical Education Reimbursement
 2158 and Loan Repayment Program as matching funds for federal loan
 2159 repayment programs for health care personnel, such as that
 2160 authorized in Pub. L. No. 100-177, s. 203. If the department
 2161 receives federal matching funds, the department shall only
 2162 implement the federal program. Reimbursement through either
 2163 program shall be limited to:

2164 (a) Primary care physicians, physician assistants,
 2165 certified nurse midwives, certified nurse practitioners, and
 2166 nurses employed by or affiliated with rural hospitals, as
 2167 defined in this act; and

2168 (b) Primary care physicians, physician assistants,
 2169 certified nurse midwives, certified nurse practitioners, and
 2170 nurses employed by or affiliated with rural area health
 2171 education centers, as defined in this section. These personnel
 2172 shall practice:

2173 1. In a county with a population density of no greater
 2174 than 100 persons per square mile; or

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2175 2. Within the boundaries of a hospital tax district which
2176 encompasses a population of no greater than 100 persons per
2177 square mile.

2178
2179 If the department administers a federal loan repayment program,
2180 priority shall be given to obligating state and federal matching
2181 funds pursuant to paragraphs (a) and (b). The department may use
2182 federal matching funds in other health workforce shortage areas
2183 and medically underserved areas in the state for loan repayment
2184 programs for primary care physicians, physician assistants,
2185 certified nurse midwives, certified nurse practitioners, and
2186 nurses who are employed by publicly financed health care
2187 programs that serve medically indigent persons.

2188 Section 36. Paragraphs (b) and (c) of subsection (8) of
2189 section 395.605, Florida Statutes, are amended to read:

2190 395.605 Emergency care hospitals.—

2191 (8)

2192 (b) All patients shall be under the care of a physician or
2193 an independent advanced practice registered nurse or under the
2194 care of an ~~a~~ advanced practice registered nurse ~~practitioner~~ or
2195 a physician assistant supervised by a physician.

2196 (c) A physician, an independent advanced practice
2197 registered nurse, an advanced practice registered nurse
2198 ~~practitioner~~, or a physician assistant shall be on duty at all
2199 times, or a physician shall be on call and available within 30

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2200 minutes at all times.

2201 Section 37. Subsection (33) of section 397.311, Florida
 2202 Statutes, is amended to read:

2203 397.311 Definitions.—As used in this chapter, except part
 2204 VIII, the term:

2205 (33) "Qualified professional" means a physician or a
 2206 physician assistant licensed under chapter 458 or chapter 459; a
 2207 professional licensed under chapter 490 or chapter 491; an
 2208 independent advanced practice registered nurse registered or
 2209 advanced practice registered nurse certified practitioner
 2210 ~~licensed~~ under part I of chapter 464; or a person who is
 2211 certified through a department-recognized certification process
 2212 for substance abuse treatment services and who holds, at a
 2213 minimum, a bachelor's degree. A person who is certified in
 2214 substance abuse treatment services by a state-recognized
 2215 certification process in another state at the time of employment
 2216 with a licensed substance abuse provider in this state may
 2217 perform the functions of a qualified professional as defined in
 2218 this chapter but must meet certification requirements contained
 2219 in this subsection no later than 1 year after his or her date of
 2220 employment.

2221 Section 38. Section 397.405, Florida Statutes, is amended
 2222 to read:

2223 397.405 Exemptions from licensure.—The following are
 2224 exempt from the licensing provisions of this chapter:

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- 2225 (1) A hospital or hospital-based component licensed under
 2226 chapter 395.
- 2227 (2) A nursing home facility as defined in s. 400.021.
- 2228 (3) A substance abuse education program established
 2229 pursuant to s. 1003.42.
- 2230 (4) A facility or institution operated by the Federal
 2231 Government.
- 2232 (5) A physician or physician assistant licensed under
 2233 chapter 458 or chapter 459.
- 2234 (6) A psychologist licensed under chapter 490.
- 2235 (7) A social worker, marriage and family therapist, or
 2236 mental health counselor licensed under chapter 491.
- 2237 (8) A legally cognizable church or nonprofit religious
 2238 organization or denomination providing substance abuse services,
 2239 including prevention services, which are solely religious,
 2240 spiritual, or ecclesiastical in nature. A church or nonprofit
 2241 religious organization or denomination providing any of the
 2242 licensed service components itemized under s. 397.311(25) is not
 2243 exempt from substance abuse licensure but retains its exemption
 2244 with respect to all services which are solely religious,
 2245 spiritual, or ecclesiastical in nature.
- 2246 (9) Facilities licensed under chapter 393 which, in
 2247 addition to providing services to persons with developmental
 2248 disabilities, also provide services to persons developmentally
 2249 at risk as a consequence of exposure to alcohol or other legal

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2250 or illegal drugs while in utero.

2251 (10) DUI education and screening services provided

2252 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.

2253 Persons or entities providing treatment services must be

2254 licensed under this chapter unless exempted from licensing as

2255 provided in this section.

2256 (11) A facility licensed under s. 394.875 as a crisis

2257 stabilization unit.

2258

2259 The exemptions from licensure in this section do not apply to

2260 any service provider that receives an appropriation, grant, or

2261 contract from the state to operate as a service provider as

2262 defined in this chapter or to any substance abuse program

2263 regulated pursuant to s. 397.406. Furthermore, this chapter may

2264 not be construed to limit the practice of a physician or

2265 physician assistant licensed under chapter 458 or chapter 459, a

2266 psychologist licensed under chapter 490, a psychotherapist

2267 licensed under chapter 491, or an independent advanced practice

2268 registered nurse registered, or an advanced practice registered

2269 nurse certified, practitioner licensed under part I of chapter

2270 464, who provides substance abuse treatment, unless a

2271 practitioner represents ~~so long as the physician, physician~~

2272 ~~assistant, psychologist, psychotherapist, or advanced registered~~

2273 ~~nurse practitioner does not represent~~ to the public that the

2274 practitioner ~~he or she~~ is a licensed service provider and

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2275 | provides ~~does not provide~~ services to individuals pursuant to
 2276 | part V of this chapter. Failure to comply with any requirement
 2277 | necessary to maintain an exempt status under this section is a
 2278 | misdemeanor of the first degree, punishable as provided in s.
 2279 | 775.082 or s. 775.083.

2280 | Section 39. Subsections (4), (7), and (8) of section
 2281 | 397.427, Florida Statutes, are amended to read:

2282 | 397.427 Medication-assisted treatment service providers;
 2283 | rehabilitation program; needs assessment and provision of
 2284 | services; persons authorized to issue takeout medication;
 2285 | unlawful operation; penalty.—

2286 | (4) Notwithstanding s. 465.019(2), a physician assistant,
 2287 | a registered nurse, an advanced practice registered nurse
 2288 | ~~practitioner~~, or a licensed practical nurse working for a
 2289 | licensed service provider may deliver takeout medication for
 2290 | opiate treatment to persons enrolled in a maintenance treatment
 2291 | program for medication-assisted treatment for opiate addiction
 2292 | if:

2293 | (a) The medication-assisted treatment program for opiate
 2294 | addiction has an appropriate valid permit issued pursuant to
 2295 | rules adopted by the Board of Pharmacy;

2296 | (b) The medication for treatment of opiate addiction has
 2297 | been delivered pursuant to a valid prescription written by the
 2298 | program's physician licensed pursuant to chapter 458 or chapter
 2299 | 459;

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2300 (c) The medication for treatment of opiate addiction which
 2301 is ordered appears on a formulary and is prepackaged and
 2302 prelabeled with dosage instructions and distributed from a
 2303 source authorized under chapter 499;

2304 (d) Each licensed provider adopts written protocols which
 2305 provide for supervision of the physician assistant, registered
 2306 nurse, advanced practice registered nurse ~~practitioner~~, or
 2307 licensed practical nurse by a physician licensed pursuant to
 2308 chapter 458 or chapter 459 and for the procedures by which
 2309 patients' medications may be delivered by the physician
 2310 assistant, registered nurse, advanced practice registered nurse
 2311 ~~practitioner~~, or licensed practical nurse. Such protocols shall
 2312 be signed by the supervising physician and either the
 2313 administering registered nurse, the advanced practice registered
 2314 nurse ~~practitioner~~, or the licensed practical nurse.

2315 (e) Each licensed service provider maintains and has
 2316 available for inspection by representatives of the Board of
 2317 Pharmacy all medical records and patient care protocols,
 2318 including records of medications delivered to patients, in
 2319 accordance with the board.

2320 (7) A physician assistant, a registered nurse, an advanced
 2321 practice registered nurse ~~practitioner~~, or a licensed practical
 2322 nurse working for a licensed service provider may deliver
 2323 medication as prescribed by rule if:

2324 (a) The service provider is authorized to provide

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2325 medication-assisted treatment;

2326 (b) The medication has been administered pursuant to a

2327 valid prescription written by the program's physician who is

2328 licensed under chapter 458 or chapter 459; and

2329 (c) The medication ordered appears on a formulary or meets

2330 federal requirements for medication-assisted treatment.

2331 (8) Each licensed service provider that provides

2332 medication-assisted treatment must adopt written protocols as

2333 specified by the department and in accordance with federally

2334 required rules, regulations, or procedures. The protocol shall

2335 provide for the supervision of the physician assistant,

2336 registered nurse, advanced practice registered nurse

2337 ~~practitioner~~, or licensed practical nurse working under the

2338 supervision of a physician who is licensed under chapter 458 or

2339 chapter 459. The protocol must specify how the medication will

2340 be used in conjunction with counseling or psychosocial treatment

2341 and that the services provided will be included on the treatment

2342 plan. The protocol must specify the procedures by which

2343 medication-assisted treatment may be administered by the

2344 supervised ~~physician assistant, registered nurse, advanced~~

2345 ~~registered nurse practitioner, or licensed practical nurse.~~

2346 These protocols shall be signed by the supervising physician and

2347 the supervised ~~administering physician assistant, registered~~

2348 ~~nurse, advanced registered nurse practitioner, or licensed~~

2349 ~~practical nurse.~~

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2350 Section 40. Paragraph (a) of subsection (2) of section
 2351 397.501, Florida Statutes, is amended to read:

2352 397.501 Rights of individuals.—Individuals receiving
 2353 substance abuse services from any service provider are
 2354 guaranteed protection of the rights specified in this section,
 2355 unless otherwise expressly provided, and service providers must
 2356 ensure the protection of such rights.

2357 (2) RIGHT TO NONDISCRIMINATORY SERVICES.—

2358 (a) Service providers may not deny an individual access to
 2359 substance abuse services solely on the basis of race, gender,
 2360 ethnicity, age, sexual preference, human immunodeficiency virus
 2361 status, prior service departures against medical advice,
 2362 disability, or number of relapse episodes. Service providers may
 2363 not deny an individual who takes medication prescribed by a
 2364 physician, a physician assistant, an independent advanced
 2365 practice registered nurse, or an advanced practice registered
 2366 nurse access to substance abuse services solely on that basis.
 2367 Service providers who receive state funds to provide substance
 2368 abuse services may not, if space and sufficient state resources
 2369 are available, deny access to services based solely on inability
 2370 to pay.

2371 Section 41. Section 397.679, Florida Statutes, is amended
 2372 to read:

2373 397.679 Emergency admission; circumstances justifying.—A
 2374 person who meets the criteria for involuntary admission in s.

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2375 397.675 may be admitted to a hospital or to a licensed
 2376 detoxification facility or addictions receiving facility for
 2377 emergency assessment and stabilization, or to a less intensive
 2378 component of a licensed service provider for assessment only,
 2379 upon receipt by the facility of a certificate by a physician, an
 2380 independent advanced practice registered nurse, an advanced
 2381 practice registered nurse ~~practitioner~~, a psychiatric nurse, a
 2382 clinical psychologist, a clinical social worker, a marriage and
 2383 family therapist, a mental health counselor, a physician
 2384 assistant working under the scope of practice of the supervising
 2385 physician, or a master's-level-certified addictions professional
 2386 for substance abuse services, if the certificate is specific to
 2387 substance abuse impairment, and the completion of an application
 2388 for emergency admission.

2389 Section 42. Subsection (1) of section 397.6793, Florida
 2390 Statutes, is amended to read:

2391 397.6793 Professional's certificate for emergency
 2392 admission.—

2393 (1) A physician, a clinical psychologist, a physician
 2394 assistant working under the scope of practice of the supervising
 2395 physician, a psychiatric nurse, an independent advanced practice
 2396 registered nurse, an advanced practice registered nurse
 2397 ~~practitioner~~, a mental health counselor, a marriage and family
 2398 therapist, a master's-level-certified addictions professional
 2399 for substance abuse services, or a clinical social worker may

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2400 execute a professional's certificate for emergency admission.
 2401 The professional's certificate must include the name of the
 2402 person to be admitted, the relationship between the person and
 2403 the professional executing the certificate, the relationship
 2404 between the applicant and the professional, any relationship
 2405 between the professional and the licensed service provider, a
 2406 statement that the person has been examined and assessed within
 2407 the preceding 5 days after the application date, and factual
 2408 allegations with respect to the need for emergency admission,
 2409 including:

2410 (a) The reason for the belief that the person is substance
 2411 abuse impaired;

2412 (b) The reason for the belief that because of such
 2413 impairment the person has lost the power of self-control with
 2414 respect to substance abuse; and

2415 (c)1. The reason for the belief that, without care or
 2416 treatment, the person is likely to suffer from neglect or refuse
 2417 to care for himself or herself; that such neglect or refusal
 2418 poses a real and present threat of substantial harm to his or
 2419 her well-being; and that it is not apparent that such harm may
 2420 be avoided through the help of willing family members or friends
 2421 or the provision of other services, or there is substantial
 2422 likelihood that the person has inflicted or, unless admitted, is
 2423 likely to inflict, physical harm on himself, herself, or
 2424 another; or

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2425 2. The reason for the belief that the person's refusal to
 2426 voluntarily receive care is based on judgment so impaired by
 2427 reason of substance abuse that the person is incapable of
 2428 appreciating his or her need for care and of making a rational
 2429 decision regarding his or her need for care.

2430 Section 43. Subsection (8) of section 400.021, Florida
 2431 Statutes, is amended to read:

2432 400.021 Definitions.—When used in this part, unless the
 2433 context otherwise requires, the term:

2434 (8) "Geriatric outpatient clinic" means a site for
 2435 providing outpatient health care to persons 60 years of age or
 2436 older, which is staffed by a registered nurse, a physician
 2437 assistant, or a licensed practical nurse under the direct
 2438 supervision of a registered nurse, an independent advanced
 2439 practice registered nurse, advanced practice registered nurse
 2440 ~~practitioner~~, a physician assistant, or a physician.

2441 Section 44. Subsection (3) of section 400.0255, Florida
 2442 Statutes, is amended to read:

2443 400.0255 Resident transfer or discharge; requirements and
 2444 procedures; hearings.—

2445 (3) When a discharge or transfer is initiated by the
 2446 nursing home, the nursing home administrator employed by the
 2447 nursing home that is discharging or transferring the resident,
 2448 or an individual employed by the nursing home who is designated
 2449 by the nursing home administrator to act on behalf of the

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2450 administration, must sign the notice of discharge or transfer.
 2451 Any notice indicating a medical reason for transfer or discharge
 2452 must either be signed by the resident's attending physician or
 2453 the medical director of the facility, or include an attached
 2454 written order for the discharge or transfer. The notice or the
 2455 order must be signed by the resident's physician, medical
 2456 director, treating physician, independent advanced practice
 2457 registered nurse, advanced practice registered nurse
 2458 ~~practitioner~~, or physician assistant.

2459 Section 45. Subsection (3) of section 400.172, Florida
 2460 Statutes, is amended to read:

2461 400.172 Respite care provided in nursing home facilities.—

2462 (3) A prospective respite care resident must provide
 2463 medical information from a physician, a physician assistant, an
 2464 independent advanced practice registered nurse, or an advanced
 2465 practice registered nurse ~~practitioner~~ and any other information
 2466 provided by the primary caregiver required by the facility
 2467 before or when the person is admitted to receive respite care.
 2468 The medical information must include a physician's or an
 2469 independent advanced practice registered nurse's order for
 2470 respite care and proof of a physical examination by a licensed
 2471 physician, a physician assistant, an independent advanced
 2472 practice registered nurse, or an advanced practice registered
 2473 nurse ~~practitioner~~. The ~~physician's~~ order and physical
 2474 examination may be used to provide intermittent respite care for

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2475 up to 12 months after the date the order is written.

2476 Section 46. Subsections (20) through (29) of section
 2477 400.462, Florida Statutes, are renumbered as subsections (21)
 2478 through (30), respectively, subsection (3) is amended, and a new
 2479 subsection (20) is added to that section, to read:

2480 400.462 Definitions.—As used in this part, the term:

2481 (3) "Advanced practice registered nurse ~~practitioner~~"
 2482 means a person licensed in this state to practice professional
 2483 nursing and certified in advanced or specialized nursing
 2484 practice, as defined in s. 464.003.

2485 (20) "Independent advanced practice registered nurse"
 2486 means a person licensed in this state to practice professional
 2487 nursing as defined in s. 464.003 and registered to practice
 2488 advanced or specialized nursing independently and without
 2489 physician supervision or a protocol.

2490 Section 47. Subsection (2) of section 400.487, Florida
 2491 Statutes, is amended to read:

2492 400.487 Home health service agreements; physician's,
 2493 physician assistant's, independent advanced practice registered
 2494 nurse's and advanced practice registered nurse's ~~nurse~~
 2495 ~~practitioner's~~ treatment orders; patient assessment;
 2496 establishment and review of plan of care; provision of services;
 2497 orders not to resuscitate.—

2498 (2) When required by the provisions of chapter 464; part
 2499 I, part III, or part V of chapter 468; or chapter 486, the

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2500 attending physician, physician assistant, independent advanced
 2501 practice registered nurse, or advanced practice registered nurse
 2502 ~~practitioner~~, acting within his or her respective scope of
 2503 practice, shall establish treatment orders for a patient who is
 2504 to receive skilled care. The treatment orders must be signed by
 2505 the physician, physician assistant, independent advanced
 2506 practice registered nurse, or advanced practice registered nurse
 2507 ~~practitioner~~ before a claim for payment for the skilled services
 2508 is submitted by the home health agency. If the claim is
 2509 submitted to a managed care organization, the treatment orders
 2510 must be signed within the time allowed under the provider
 2511 agreement. The treatment orders shall be reviewed, as frequently
 2512 as the patient's illness requires, by the physician, physician
 2513 assistant, independent advanced practice registered nurse, or
 2514 advanced practice registered nurse ~~practitioner~~ in consultation
 2515 with the home health agency.

2516 Section 48. Paragraph (a) of subsection (13) of section
 2517 400.506, Florida Statutes, is amended to read:

2518 400.506 Licensure of nurse registries; requirements;
 2519 penalties.—

2520 (13) All persons referred for contract in private
 2521 residences by a nurse registry must comply with the following
 2522 requirements for a plan of treatment:

2523 (a) When, in accordance with the privileges and
 2524 restrictions imposed upon a nurse under part I of chapter 464,

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2525 | the delivery of care to a patient is under the direction or
 2526 | supervision of a physician or when a physician is responsible
 2527 | for the medical care of the patient, a medical plan of treatment
 2528 | must be established for each patient receiving care or treatment
 2529 | provided by a licensed nurse in the home. The original medical
 2530 | plan of treatment must be timely signed by the physician,
 2531 | physician assistant, independent advanced practice registered
 2532 | nurse, or advanced practice registered nurse ~~practitioner~~,
 2533 | acting within his or her respective scope of practice, and
 2534 | reviewed in consultation with the licensed nurse at least every
 2535 | 2 months. Any additional order or change in orders must be
 2536 | obtained from, reduced to writing by, and timely signed by the
 2537 | physician, physician assistant, independent advanced practice
 2538 | registered nurse, or advanced practice registered nurse
 2539 | ~~practitioner and reduced to writing and timely signed by the~~
 2540 | ~~physician, physician assistant, or advanced registered nurse~~
 2541 | ~~practitioner~~. The delivery of care under a medical plan of
 2542 | treatment must be substantiated by the appropriate nursing notes
 2543 | or documentation made by the nurse in compliance with nursing
 2544 | practices established under part I of chapter 464.

2545 | Section 49. Paragraph (g) of subsection (4) of section
 2546 | 400.9905, Florida Statutes, is amended to read:

2547 | 400.9905 Definitions.—

2548 | (4) "Clinic" means an entity where health care services
 2549 | are provided to individuals and which tenders charges for

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2550 reimbursement for such services, including a mobile clinic and a
 2551 portable equipment provider. As used in this part, the term does
 2552 not include and the licensure requirements of this part do not
 2553 apply to:

2554 (g) A sole proprietorship, group practice, partnership, or
 2555 corporation that provides health care services by licensed
 2556 health care practitioners under chapter 457, chapter 458,
 2557 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
 2558 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
 2559 chapter 490, chapter 491, or part I, part III, part X, part
 2560 XIII, or part XIV of chapter 468, ~~or~~ s. 464.012, or s. 464.0125
 2561 and that is wholly owned by one or more licensed health care
 2562 practitioners, or the licensed health care practitioners set
 2563 forth in this paragraph and the spouse, parent, child, or
 2564 sibling of a licensed health care practitioner if one of the
 2565 owners who is a licensed health care practitioner is supervising
 2566 the business activities and is legally responsible for the
 2567 entity's compliance with all federal and state laws. However, a
 2568 health care practitioner may not supervise services beyond the
 2569 scope of the practitioner's license, except that, for the
 2570 purposes of this part, a clinic owned by a licensee in s.
 2571 456.053(3)(b) which provides only services authorized pursuant
 2572 to s. 456.053(3)(b) may be supervised by a licensee specified in
 2573 s. 456.053(3)(b).
 2574

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2575 Notwithstanding this subsection, an entity shall be deemed a
 2576 clinic and must be licensed under this part in order to receive
 2577 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
 2578 627.730-627.7405, unless exempted under s. 627.736(5)(h).

2579 Section 50. Subsection (5) and paragraph (b) of subsection
 2580 (7) of section 400.9973, Florida Statutes, is amended to read:

2581 400.9973 Client admission, transfer, and discharge.—

2582 (5) A client admitted to a transitional living facility
 2583 must be admitted upon prescription by a licensed physician,
 2584 physician assistant, independent advanced practice registered
 2585 nurse, or advanced practice registered nurse ~~practitioner~~ and
 2586 must remain under the care of a licensed physician, physician
 2587 assistant, independent advanced practice registered nurse, or
 2588 advanced practice registered nurse ~~practitioner~~ for the duration
 2589 of the client's stay in the facility.

2590 (7) A person may not be admitted to a transitional living
 2591 facility if the person:

2592 (b) Is a danger to himself or herself or others as
 2593 determined by a physician, physician assistant, independent
 2594 advanced practice registered nurse, or advanced practice
 2595 registered nurse ~~practitioner~~ or a mental health practitioner
 2596 licensed under chapter 490 or chapter 491, unless the facility
 2597 provides adequate staffing and support to ensure patient safety;

2598 Section 51. Subsection (1) and paragraphs (a) and (b) of
 2599 subsection (2) of section 400.9974, Florida Statutes, are

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2600 amended to read:

2601 400.9974 Client comprehensive treatment plans; client
2602 services.—

2603 (1) A transitional living facility shall develop a
2604 comprehensive treatment plan for each client as soon as
2605 practicable but no later than 30 days after the initial
2606 comprehensive treatment plan is developed. The comprehensive
2607 treatment plan must be developed by an interdisciplinary team
2608 consisting of the case manager, the program director, the
2609 advanced practice registered nurse ~~practitioner~~, and appropriate
2610 therapists. The client or, if appropriate, the client's
2611 representative must be included in developing the comprehensive
2612 treatment plan. The comprehensive treatment plan must be
2613 reviewed and updated if the client fails to meet projected
2614 improvements outlined in the plan or if a significant change in
2615 the client's condition occurs. The comprehensive treatment plan
2616 must be reviewed and updated at least once monthly.

2617 (2) The comprehensive treatment plan must include:

2618 (a) Orders obtained from the physician, physician
2619 assistant, independent advanced practice registered nurse, or
2620 advanced practice registered nurse ~~practitioner~~ and the client's
2621 diagnosis, medical history, physical examination, and
2622 rehabilitative or restorative needs.

2623 (b) A preliminary nursing evaluation, including orders for
2624 immediate care provided by the physician, physician assistant,

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2625 independent advanced practice registered nurse or advanced
 2626 practice registered nurse ~~practitioner~~, which shall be completed
 2627 when the client is admitted.

2628 Section 52. Section 400.9976, Florida Statutes, is amended
 2629 to read:

2630 400.9976 Administration of medication.—

2631 (1) An individual medication administration record must be
 2632 maintained for each client. A dose of medication, including a
 2633 self-administered dose, shall be properly recorded in the
 2634 client's record. A client who self-administers medication shall
 2635 be given a pill organizer. Medication must be placed in the pill
 2636 organizer by a nurse. A nurse shall document the date and time
 2637 that medication is placed into each client's pill organizer. All
 2638 medications must be administered in compliance with orders of a
 2639 physician, physician assistant, independent advanced practice
 2640 registered nurse, or advanced practice registered nurse
 2641 ~~practitioner~~.

2642 (2) If an interdisciplinary team determines that self-
 2643 administration of medication is an appropriate objective, and if
 2644 the physician, physician assistant, independent advanced
 2645 practice registered nurse, or advanced practice registered nurse
 2646 ~~practitioner~~ does not specify otherwise, the client must be
 2647 instructed by the physician, physician assistant, independent
 2648 advanced practice registered nurse, or advanced practice
 2649 registered nurse ~~practitioner~~ to self-administer his or her

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2650 medication without the assistance of a staff person. All forms
 2651 of self-administration of medication, including administration
 2652 orally, by injection, and by suppository, shall be included in
 2653 the training. The client's physician, physician assistant,
 2654 independent advanced practice registered nurse, or advanced
 2655 practice registered nurse ~~practitioner~~ must be informed of the
 2656 interdisciplinary team's decision that self-administration of
 2657 medication is an objective for the client. A client may not
 2658 self-administer medication until he or she demonstrates the
 2659 competency to take the correct medication in the correct dosage
 2660 at the correct time, to respond to missed doses, and to contact
 2661 the appropriate person with questions.

2662 (3) Medication administration discrepancies and adverse
 2663 drug reactions must be recorded and reported immediately to a
 2664 physician, physician assistant, independent advanced practice
 2665 registered nurse, or advanced practice registered nurse
 2666 ~~practitioner~~.

2667 Section 53. Subsections (2), (3), (4), and (5) of section
 2668 400.9979, Florida Statutes, are amended to read:

2669 400.9979 Restraint and seclusion; client safety.—

2670 (2) The use of physical restraints must be ordered and
 2671 documented by a physician, physician assistant, independent
 2672 advanced practice registered nurse, or advanced practice
 2673 registered nurse ~~practitioner~~ and must be consistent with the
 2674 policies and procedures adopted by the facility. The client or,

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2675 | if applicable, the client's representative shall be informed of
 2676 | the facility's physical restraint policies and procedures when
 2677 | the client is admitted.

2678 | (3) The use of chemical restraints shall be limited to
 2679 | prescribed dosages of medications as ordered by a physician,
 2680 | physician assistant, independent advanced practice registered
 2681 | nurse, or advanced practice registered nurse ~~practitioner~~ and
 2682 | must be consistent with the client's diagnosis and the policies
 2683 | and procedures adopted by the facility. The client and, if
 2684 | applicable, the client's representative shall be informed of the
 2685 | facility's chemical restraint policies and procedures when the
 2686 | client is admitted.

2687 | (4) Based on the assessment by a physician, physician
 2688 | assistant, independent advanced practice registered nurse, or
 2689 | advanced practice registered nurse ~~practitioner~~, if a client
 2690 | exhibits symptoms that present an immediate risk of injury or
 2691 | death to himself or herself or others, a physician, physician
 2692 | assistant, independent advanced practice registered nurse, or
 2693 | advanced practice registered nurse ~~practitioner~~ may issue an
 2694 | emergency treatment order to immediately administer rapid-
 2695 | response psychotropic medications or other chemical restraints.
 2696 | Each emergency treatment order must be documented and maintained
 2697 | in the client's record.

2698 | (a) An emergency treatment order is not effective for more
 2699 | than 24 hours.

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2700 (b) Whenever a client is medicated under this subsection,
 2701 the client's representative or a responsible party and the
 2702 client's physician, physician assistant, independent advanced
 2703 practice registered nurse, or advanced practice registered nurse
 2704 ~~practitioner~~ shall be notified as soon as practicable.

2705 (5) A client who is prescribed and receives a medication
 2706 that can serve as a chemical restraint for a purpose other than
 2707 an emergency treatment order must be evaluated by his or her
 2708 physician, physician assistant, independent advanced practice
 2709 registered nurse, or advanced practice registered nurse
 2710 ~~practitioner~~ at least monthly to assess:

- 2711 (a) The continued need for the medication.
- 2712 (b) The level of the medication in the client's blood.
- 2713 (c) The need for adjustments to the prescription.

2714 Section 54. Subsections (1) and (2) of section 401.445,
 2715 Florida Statutes, are amended to read:

2716 401.445 Emergency examination and treatment of
 2717 incapacitated persons.—

2718 (1) ~~No~~ Recovery is not shall be allowed in any court in
 2719 this state against any emergency medical technician, paramedic,
 2720 or physician as defined in this chapter; any independent
 2721 advanced practice registered nurse registered under s. 464.0125;
 2722 any advanced practice registered nurse ~~practitioner~~ certified
 2723 under s. 464.012, or any physician assistant licensed under s.
 2724 458.347 or s. 459.022, or any person acting under the direct

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2725 | medical supervision of a physician, in an action brought for
 2726 | examining or treating a patient without his or her informed
 2727 | consent if:

2728 | (a) The patient at the time of examination or treatment is
 2729 | intoxicated, under the influence of drugs, or otherwise
 2730 | incapable of providing informed consent as provided in s.
 2731 | 766.103;

2732 | (b) The patient at the time of examination or treatment is
 2733 | experiencing an emergency medical condition; and

2734 | (c) The patient would reasonably, under all the
 2735 | surrounding circumstances, undergo such examination, treatment,
 2736 | or procedure if the patient ~~he or she~~ were advised by the
 2737 | emergency medical technician, paramedic, physician, independent
 2738 | advanced practice registered nurse, advanced practice registered
 2739 | nurse ~~practitioner~~, or physician assistant in accordance with s.
 2740 | 766.103(3).

2741 |
 2742 | Examination and treatment provided under this subsection shall
 2743 | be limited to reasonable examination of the patient to determine
 2744 | the medical condition of the patient and treatment reasonably
 2745 | necessary to alleviate the emergency medical condition or to
 2746 | stabilize the patient.

2747 | (2) In examining and treating a person who is apparently
 2748 | intoxicated, under the influence of drugs, or otherwise
 2749 | incapable of providing informed consent, the emergency medical

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2750 technician, paramedic, physician, independent advanced practice
 2751 registered nurse practitioner, advanced practice registered
 2752 nurse ~~practitioner~~, or physician assistant, or any person acting
 2753 under the direct medical supervision of a physician, shall
 2754 proceed wherever possible with the consent of the person. If the
 2755 person reasonably appears to be incapacitated and refuses his or
 2756 her consent, the person may be examined, treated, or taken to a
 2757 hospital or other appropriate treatment resource if he or she is
 2758 in need of emergency attention, without his or her consent, but
 2759 unreasonable force shall not be used.

2760 Section 55. Subsections (1) and (11) of section 409.905,
 2761 Florida Statutes, are amended to read:

2762 409.905 Mandatory Medicaid services.—The agency may make
 2763 payments for the following services, which are required of the
 2764 state by Title XIX of the Social Security Act, furnished by
 2765 Medicaid providers to recipients who are determined to be
 2766 eligible on the dates on which the services were provided. Any
 2767 service under this section shall be provided only when medically
 2768 necessary and in accordance with state and federal law.

2769 Mandatory services rendered by providers in mobile units to
 2770 Medicaid recipients may be restricted by the agency. Nothing in
 2771 this section shall be construed to prevent or limit the agency
 2772 from adjusting fees, reimbursement rates, lengths of stay,
 2773 number of visits, number of services, or any other adjustments
 2774 necessary to comply with the availability of moneys and any

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2775 | limitations or directions provided for in the General
 2776 | Appropriations Act or chapter 216.

2777 | (1) INDEPENDENT ADVANCED PRACTICE REGISTERED NURSE AND
 2778 | ADVANCED PRACTICE REGISTERED NURSE ~~PRACTITIONER~~ SERVICES.—The
 2779 | agency shall pay for services provided to a recipient by a
 2780 | registered independent advanced practice registered nurse, a
 2781 | certified ~~licensed~~ advanced practice registered nurse
 2782 | ~~practitioner~~ who has a valid collaboration agreement with a
 2783 | licensed physician on file with the Department of Health, or a
 2784 | certified registered nurse anesthetist who provides anesthesia
 2785 | services in accordance with established protocol required by
 2786 | state law and approved by the medical staff of the facility in
 2787 | which the anesthetic service is performed. Reimbursement for
 2788 | such services must be provided in an amount that equals at least
 2789 | ~~not less~~ than 80 percent of the reimbursement to a physician who
 2790 | provides the same services, unless otherwise provided for in the
 2791 | General Appropriations Act.

2792 | (11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay
 2793 | for outpatient primary health care services for a recipient
 2794 | provided by a clinic certified by and participating in the
 2795 | Medicare program which is located in a federally designated,
 2796 | rural, medically underserved area and has on its staff one or
 2797 | more certified ~~licensed primary care~~ nurse practitioners or
 2798 | physician assistants, and a licensed staff supervising
 2799 | physician, ~~or~~ a consulting supervising physician, or an

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2800 | independent advanced practice registered nurse.
 2801 | Section 56. Paragraph (a) of subsection (3) and subsection
 2802 | (8) of section 409.908, Florida Statutes, is amended to read:
 2803 | 409.908 Reimbursement of Medicaid providers.—Subject to
 2804 | specific appropriations, the agency shall reimburse Medicaid
 2805 | providers, in accordance with state and federal law, according
 2806 | to methodologies set forth in the rules of the agency and in
 2807 | policy manuals and handbooks incorporated by reference therein.
 2808 | These methodologies may include fee schedules, reimbursement
 2809 | methods based on cost reporting, negotiated fees, competitive
 2810 | bidding pursuant to s. 287.057, and other mechanisms the agency
 2811 | considers efficient and effective for purchasing services or
 2812 | goods on behalf of recipients. If a provider is reimbursed based
 2813 | on cost reporting and submits a cost report late and that cost
 2814 | report would have been used to set a lower reimbursement rate
 2815 | for a rate semester, then the provider's rate for that semester
 2816 | shall be retroactively calculated using the new cost report, and
 2817 | full payment at the recalculated rate shall be effected
 2818 | retroactively. Medicare-granted extensions for filing cost
 2819 | reports, if applicable, shall also apply to Medicaid cost
 2820 | reports. Payment for Medicaid compensable services made on
 2821 | behalf of Medicaid eligible persons is subject to the
 2822 | availability of moneys and any limitations or directions
 2823 | provided for in the General Appropriations Act or chapter 216.
 2824 | Further, nothing in this section shall be construed to prevent

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2825 | or limit the agency from adjusting fees, reimbursement rates,
 2826 | lengths of stay, number of visits, or number of services, or
 2827 | making any other adjustments necessary to comply with the
 2828 | availability of moneys and any limitations or directions
 2829 | provided for in the General Appropriations Act, provided the
 2830 | adjustment is consistent with legislative intent.

2831 | (3) Subject to any limitations or directions provided for
 2832 | in the General Appropriations Act, the following Medicaid
 2833 | services and goods may be reimbursed on a fee-for-service basis.
 2834 | For each allowable service or goods furnished in accordance with
 2835 | Medicaid rules, policy manuals, handbooks, and state and federal
 2836 | law, the payment shall be the amount billed by the provider, the
 2837 | provider's usual and customary charge, or the maximum allowable
 2838 | fee established by the agency, whichever amount is less, with
 2839 | the exception of those services or goods for which the agency
 2840 | makes payment using a methodology based on capitation rates,
 2841 | average costs, or negotiated fees.

2842 | (a) Independent advanced practice registered nurse or
 2843 | advanced practice registered nurse ~~practitioner~~ services.

2844 | (8) A provider of family planning services shall be
 2845 | reimbursed the lesser of the amount billed by the provider or an
 2846 | all-inclusive amount per type of visit for physicians,
 2847 | independent advanced practice registered nurses, and advanced
 2848 | practice registered nurses ~~nurse-practitioners~~, as established
 2849 | by the agency in a fee schedule.

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2850 Section 57. Subsection (2) of section 409.9081, Florida
 2851 Statutes, is amended to read:

2852 409.9081 Copayments.—

2853 (2) The agency shall, subject to federal regulations and
 2854 any directions or limitations provided for in the General
 2855 Appropriations Act, require copayments for the following
 2856 additional services: hospital inpatient, laboratory and X-ray
 2857 services, transportation services, home health care services,
 2858 community mental health services, rural health services,
 2859 federally qualified health clinic services, and independent
 2860 advanced practice registered nurse or advanced practice
 2861 registered nurse practitioner services. The agency may only
 2862 establish copayments for prescribed drugs or for any other
 2863 federally authorized service if such copayment is specifically
 2864 provided for in the General Appropriations Act or other law.

2865 Section 58. Paragraph (a) of subsection (1) of section
 2866 409.973, Florida Statutes, is amended to read:

2867 409.973 Benefits.—

2868 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 2869 minimum, the following services:

2870 (a) Independent advanced practice registered nurse and
 2871 advanced practice registered nurse practitioner services.

2872 Section 59. Subsections (2), (4), and (5) of section
 2873 429.26, Florida Statutes, are amended to read:

2874 429.26 Appropriateness of placements; examinations of

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2875 residents.—

2876 (2) A physician, a physician assistant, an independent
 2877 advanced practice registered nurse, or an advanced practice
 2878 registered nurse practitioner who is employed by an assisted
 2879 living facility to provide an initial examination for admission
 2880 purposes may not have financial interest in the facility.

2881 (4) If possible, each resident shall have been examined by
 2882 a licensed physician, a licensed physician assistant, a
 2883 registered independent advanced practice registered nurse, or a
 2884 certified advanced practice registered licensed nurse
 2885 practitioner within 60 days before admission to the facility.

2886 The signed and completed medical examination report shall be
 2887 submitted to the owner or administrator of the facility who
 2888 shall use the information contained therein to assist in the
 2889 determination of the appropriateness of the resident's admission
 2890 and continued stay in the facility. The medical examination
 2891 report shall become a permanent part of the record of the
 2892 resident at the facility and shall be made available to the
 2893 agency during inspection or upon request. An assessment that has
 2894 been completed through the Comprehensive Assessment and Review
 2895 for Long-Term Care Services (CARES) Program fulfills the
 2896 requirements for a medical examination under this subsection and
 2897 s. 429.07(3)(b)6.

2898 (5) Except as provided in s. 429.07, if a medical
 2899 examination has not been completed within 60 days before the

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2900 admission of the resident to the facility, a licensed physician,
 2901 licensed physician assistant, registered independent advanced
 2902 practice registered nurse, or certified advanced practice
 2903 ~~licensed nurse practitioner~~ shall examine the resident and
 2904 complete a medical examination form provided by the agency
 2905 within 30 days following the admission to the facility to enable
 2906 the facility owner or administrator to determine the
 2907 appropriateness of the admission. The medical examination form
 2908 shall become a permanent part of the record of the resident at
 2909 the facility and shall be made available to the agency during
 2910 inspection by the agency or upon request.

2911 Section 60. Paragraph (a) of subsection (2) and paragraph
 2912 (a) of subsection (7) of section 429.918, Florida Statutes, is
 2913 amended to read:

2914 429.918 Licensure designation as a specialized Alzheimer's
 2915 services adult day care center.—

2916 (2) As used in this section, the term:

2917 (a) "ADRD participant" means a participant who has a
 2918 documented diagnosis of Alzheimer's disease or a dementia-
 2919 related disorder (ADRD) from a licensed physician, licensed
 2920 physician assistant, registered independent advanced practice
 2921 registered nurse, or certified ~~a licensed~~ advanced practice
 2922 registered nurse ~~practitioner~~.

2923 (7) (a) An ADRD participant admitted to an adult day care
 2924 center having a license designated under this section, or the

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2925 caregiver when applicable, must:

2926 1. Require ongoing supervision to maintain the highest

2927 level of medical or custodial functioning and have a

2928 demonstrated need for a responsible party to oversee his or her

2929 care.

2930 2. Not actively demonstrate aggressive behavior that

2931 places himself, herself, or others at risk of harm.

2932 3. Provide the following medical documentation signed by a

2933 licensed physician, licensed physician assistant, registered

2934 independent advanced practice registered nurse, or certified a a

2935 ~~licensed~~ advanced practice registered nurse ~~practitioner~~:

2936 a. Any physical, health, or emotional conditions that

2937 require medical care.

2938 b. A listing of the ADRD participant's current prescribed

2939 and over-the-counter medications and dosages, diet restrictions,

2940 mobility restrictions, and other physical limitations.

2941 4. Provide documentation signed by a health care provider

2942 licensed in this state which indicates that the ADRD participant

2943 is free of the communicable form of tuberculosis and free of

2944 signs and symptoms of other communicable diseases.

2945 Section 61. Paragraph (e) of subsection (5) of section

2946 440.102, Florida Statutes, is amended to read:

2947 440.102 Drug-free workplace program requirements.—The

2948 following provisions apply to a drug-free workplace program

2949 implemented pursuant to law or to rules adopted by the Agency

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2950 for Health Care Administration:

2951 (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen

2952 collection and testing for drugs under this section shall be

2953 performed in accordance with the following procedures:

2954 (e) A specimen for a drug test may be taken or collected

2955 by any of the following persons:

2956 1. A physician, a physician assistant, an independent

2957 advanced practice registered nurse, an advanced practice

2958 registered nurse, a registered ~~professional~~ nurse, a licensed

2959 practical nurse, ~~or a nurse practitioner~~ or a certified

2960 paramedic who is present at the scene of an accident for the

2961 purpose of rendering emergency medical service or treatment.

2962 2. A qualified person employed by a licensed or certified

2963 laboratory as described in subsection (9).

2964 Section 62. Subsection (2) and paragraph (d) of subsection

2965 (4) of section 456.0391, Florida Statutes, is amended to read:

2966 456.0391 Advanced practice registered nurse ~~practitioners;~~

2967 information required for certification.—

2968 (2) The Department of Health shall send a notice to each

2969 person certified under s. 464.012 at the certificateholder's

2970 last known address of record regarding the requirements for

2971 information to be submitted by advanced practice registered

2972 nurses ~~nurse practitioners~~ pursuant to this section in

2973 conjunction with the renewal of such certificate.

2974 (4)

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2975 (d) Any applicant for initial certification or renewal of
 2976 certification as an advanced practice registered nurse
 2977 ~~practitioner~~ who submits to the Department of Health a set of
 2978 fingerprints and information required for the criminal history
 2979 check required under this section shall not be required to
 2980 provide a subsequent set of fingerprints or other duplicate
 2981 information required for a criminal history check to the Agency
 2982 for Health Care Administration, the Department of Juvenile
 2983 Justice, or the Department of Children and Families for
 2984 employment or licensure with such agency or department, if the
 2985 applicant has undergone a criminal history check as a condition
 2986 of initial certification or renewal of certification as an
 2987 advanced practice registered nurse ~~practitioner~~ with the
 2988 Department of Health, notwithstanding any other provision of law
 2989 to the contrary. In lieu of such duplicate submission, the
 2990 Agency for Health Care Administration, the Department of
 2991 Juvenile Justice, and the Department of Children and Families
 2992 shall obtain criminal history information for employment or
 2993 licensure of persons certified under s. 464.012 by such agency
 2994 or department from the Department of Health's health care
 2995 practitioner credentialing system.

2996 Section 63. Subsection (2) of section 456.0392, Florida
 2997 Statutes, is amended to read:

2998 456.0392 Prescription labeling.—

2999 (2) A prescription for a drug ~~that is not listed as a~~

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3000 ~~controlled substance in chapter 893 which is~~ written by an
 3001 advanced practice registered nurse ~~practitioner~~ certified under
 3002 s. 464.012 is presumed, subject to rebuttal, to be valid and
 3003 within the parameters of the prescriptive authority delegated by
 3004 a practitioner licensed under chapter 458, chapter 459, or
 3005 chapter 466.

3006 Section 64. Paragraph (a) of subsection (1) and subsection
 3007 (6) of section 456.041, Florida Statutes, is amended to read:

3008 456.041 Practitioner profile; creation.—

3009 (1)(a) The Department of Health shall compile the
 3010 information submitted pursuant to s. 456.039 into a practitioner
 3011 profile of the applicant submitting the information, except that
 3012 the Department of Health shall develop a format to compile
 3013 uniformly any information submitted under s. 456.039(4)(b).
 3014 Beginning July 1, 2001, the Department of Health may compile the
 3015 information submitted pursuant to s. 456.0391 into a
 3016 practitioner profile of the applicant submitting the
 3017 information. The protocol submitted pursuant to s. 464.012(3)
 3018 must be included in the practitioner profile of the advanced
 3019 practice registered nurse ~~practitioner~~.

3020 (6) The Department of Health shall provide in each
 3021 practitioner profile for every physician or advanced practice
 3022 registered nurse ~~practitioner~~ terminated for cause from
 3023 participating in the Medicaid program, pursuant to s. 409.913,
 3024 or sanctioned by the Medicaid program a statement that the

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3025 practitioner has been terminated from participating in the
 3026 Florida Medicaid program or sanctioned by the Medicaid program.

3027 Section 65. Subsection (1) and paragraphs (a), (d), and
 3028 (e) of subsection (2) of section 456.048, Florida Statutes, are
 3029 amended to read:

3030 456.048 Financial responsibility requirements for certain
 3031 health care practitioners.—

3032 (1) As a prerequisite for licensure or license renewal,
 3033 the Board of Acupuncture, the Board of Chiropractic Medicine,
 3034 the Board of Podiatric Medicine, and the Board of Dentistry
 3035 shall, by rule, require that all health care practitioners
 3036 licensed under the respective board, and the Board of Medicine
 3037 and the Board of Osteopathic Medicine shall, by rule, require
 3038 that all anesthesiologist assistants licensed pursuant to s.
 3039 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
 3040 require that independent advanced practice registered nurses
 3041 registered under s. 464.0125 and advanced practice registered
 3042 nurses ~~nurse-practitioners~~ certified under s. 464.012, and the
 3043 department shall, by rule, require that midwives maintain
 3044 medical malpractice insurance or provide proof of financial
 3045 responsibility in an amount and in a manner determined by the
 3046 board or department to be sufficient to cover claims arising out
 3047 of the rendering of or failure to render professional care and
 3048 services in this state.

3049 (2) The board or department may grant exemptions upon

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3050 application by practitioners meeting any of the following
 3051 criteria:

3052 (a) Any person licensed under chapter 457, s. 458.3475, s.
 3053 459.023, chapter 460, chapter 461, s. 464.012, s. 464.0125,
 3054 chapter 466, or chapter 467 who practices exclusively as an
 3055 officer, employee, or agent of the Federal Government or of the
 3056 state or its agencies or its subdivisions. For the purposes of
 3057 this subsection, an agent of the state, its agencies, or its
 3058 subdivisions is a person who is eligible for coverage under any
 3059 self-insurance or insurance program authorized by the provisions
 3060 of s. 768.28(16) or who is a volunteer under s. 110.501(1).

3061 (d) Any person licensed or certified under chapter 457, s.
 3062 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012, s.
 3063 464.0125, chapter 466, or chapter 467 who practices only in
 3064 conjunction with his or her teaching duties at an accredited
 3065 school or in its main teaching hospitals. Such person may engage
 3066 in the practice of medicine to the extent that such practice is
 3067 incidental to and a necessary part of duties in connection with
 3068 the teaching position in the school.

3069 (e) Any person holding an active license or certification
 3070 under chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter
 3071 461, s. 464.012, s. 464.0125, chapter 466, or chapter 467 who is
 3072 not practicing in this state. If such person initiates or
 3073 resumes practice in this state, he or she must notify the
 3074 department of such activity.

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3075 Section 66. Paragraphs (a), (i), (o), and (r) of
 3076 subsection (3) and paragraph (g) of subsection (5) of section
 3077 456.053, Florida Statutes, are amended to read:

3078 456.053 Financial arrangements between referring health
 3079 care providers and providers of health care services.—

3080 (3) DEFINITIONS.—For the purpose of this section, the
 3081 word, phrase, or term:

3082 (a) "Board" means any of the following boards relating to
 3083 the respective professions: the Board of Medicine as created in
 3084 s. 458.307; the Board of Osteopathic Medicine as created in s.
 3085 459.004; the Board of Chiropractic Medicine as created in s.
 3086 460.404; the Board of Podiatric Medicine as created in s.
 3087 461.004; the Board of Optometry as created in s. 463.003; the
 3088 Board of Pharmacy as created in s. 465.004; ~~and~~ the Board of
 3089 Dentistry as created in s. 466.004; and the Board of Nursing as
 3090 created in s. 464.004.

3091 (i) "Health care provider" means a ~~any~~ physician licensed
 3092 under chapter 458, chapter 459, chapter 460, or chapter 461; an
 3093 independent advanced practice registered nurse registered under
 3094 s. 464.0125;~~7~~ or a ~~any~~ health care provider licensed under
 3095 chapter 463 or chapter 466.

3096 (o) "Referral" means any referral of a patient by a health
 3097 care provider for health care services, including, without
 3098 limitation:

3099 1. The forwarding of a patient by a health care provider

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3100 to another health care provider or to an entity which provides
 3101 or supplies designated health services or any other health care
 3102 item or service; or
 3103 2. The request or establishment of a plan of care by a
 3104 health care provider, which includes the provision of designated
 3105 health services or other health care item or service.
 3106 3. The following orders, recommendations, or plans of care
 3107 shall not constitute a referral by a health care provider:
 3108 a. By a radiologist for diagnostic-imaging services.
 3109 b. By a physician specializing in the provision of
 3110 radiation therapy services for such services.
 3111 c. By a medical oncologist for drugs and solutions to be
 3112 prepared and administered intravenously to such oncologist's
 3113 patient, as well as for the supplies and equipment used in
 3114 connection therewith to treat such patient for cancer and the
 3115 complications thereof.
 3116 d. By a cardiologist for cardiac catheterization services.
 3117 e. By a pathologist for diagnostic clinical laboratory
 3118 tests and pathological examination services, if furnished by or
 3119 under the supervision of such pathologist pursuant to a
 3120 consultation requested by another physician.
 3121 f. By a health care provider who is the sole provider or
 3122 member of a group practice for designated health services or
 3123 other health care items or services that are prescribed or
 3124 provided solely for such referring health care provider's or

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3125 group practice's own patients, and that are provided or
 3126 performed by or under the direct supervision of such referring
 3127 health care provider or group practice; provided, however, ~~that~~
 3128 ~~effective July 1, 1999,~~ a physician licensed pursuant to chapter
 3129 458, chapter 459, chapter 460, or chapter 461 or an independent
 3130 advanced practice registered nurse registered under s. 464.0125
 3131 may refer a patient to a sole provider or group practice for
 3132 diagnostic imaging services, excluding radiation therapy
 3133 services, for which the sole provider or group practice billed
 3134 both the technical and the professional fee for or on behalf of
 3135 the patient, if the referring physician or independent advanced
 3136 practice registered nurse has no investment interest in the
 3137 practice. The diagnostic imaging service referred to a group
 3138 practice or sole provider must be a diagnostic imaging service
 3139 normally provided within the scope of practice to the patients
 3140 of the group practice or sole provider. The group practice or
 3141 sole provider may accept no more than 15 percent of their
 3142 patients receiving diagnostic imaging services from outside
 3143 referrals, excluding radiation therapy services.

3144 g. By a health care provider for services provided by an
 3145 ambulatory surgical center licensed under chapter 395.

3146 h. By a urologist for lithotripsy services.

3147 i. By a dentist for dental services performed by an
 3148 employee of or health care provider who is an independent
 3149 contractor with the dentist or group practice of which the

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3150 dentist is a member.

3151 j. By a physician for infusion therapy services to a
3152 patient of that physician or a member of that physician's group
3153 practice.

3154 k. By a nephrologist for renal dialysis services and
3155 supplies, except laboratory services.

3156 l. By a health care provider whose principal professional
3157 practice consists of treating patients in their private
3158 residences for services to be rendered in such private
3159 residences, except for services rendered by a home health agency
3160 licensed under chapter 400. For purposes of this sub-
3161 subparagraph, the term "private residences" includes patients'
3162 private homes, independent living centers, and assisted living
3163 facilities, but does not include skilled nursing facilities.

3164 m. By a health care provider for sleep-related testing.

3165 (r) "Sole provider" means one health care provider
3166 licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter
3167 461, or s. 464.0125, who maintains a separate medical office and
3168 a medical practice separate from any other health care provider
3169 and who bills for his or her services separately from the
3170 services provided by any other health care provider. A sole
3171 provider shall not share overhead expenses or professional
3172 income with any other person or group practice.

3173 (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as
3174 provided in this section:

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3175 (g) A violation of this section by a health care provider
 3176 shall constitute grounds for disciplinary action to be taken by
 3177 the applicable board pursuant to s. 458.331(2), s. 459.015(2),
 3178 s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018, or s.
 3179 466.028(2). Any hospital licensed under chapter 395 found in
 3180 violation of this section shall be subject to s. 395.0185(2).

3181 Section 67. Subsection (7) of section 456.072, Florida
 3182 Statutes, is amended to read:

3183 456.072 Grounds for discipline; penalties; enforcement.—

3184 (7) Notwithstanding subsection (2), upon a finding that a
 3185 physician has prescribed or dispensed a controlled substance, or
 3186 caused a controlled substance to be prescribed or dispensed, in
 3187 a manner that violates the standard of practice set forth in s.
 3188 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
 3189 or (s), or s. 466.028(1)(p) or (x), or that an independent
 3190 advanced practice registered nurse or an advanced practice
 3191 registered nurse practitioner has prescribed or dispensed a
 3192 controlled substance, or caused a controlled substance to be
 3193 prescribed or dispensed, in a manner that violates the standard
 3194 of practice set forth in s. 464.018(1)(n) or (p)6., the
 3195 ~~physician or advanced registered nurse~~ practitioner shall be
 3196 suspended for a period of at least ~~not less than~~ 6 months and
 3197 pay a fine of at least ~~not less than~~ \$10,000 per count. Repeated
 3198 violations shall result in increased penalties.

3199 Section 68. Paragraph (a) of subsection (2) of section

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3200 456.44, Florida Statutes, is amended to read:
 3201 456.44 Controlled substance prescribing.—
 3202 (2) REGISTRATION.—A physician licensed under chapter 458,
 3203 chapter 459, chapter 461, or chapter 466, a physician assistant
 3204 licensed under chapter 458 or chapter 459, or an independent
 3205 advanced practice registered nurse registered or an advanced
 3206 practice registered nurse ~~practitioner~~ certified under part I of
 3207 chapter 464 who prescribes any controlled substance, listed in
 3208 Schedule II, Schedule III, or Schedule IV as defined in s.
 3209 893.03, for the treatment of chronic nonmalignant pain, must:
 3210 (a) Designate himself or herself as a controlled substance
 3211 prescribing practitioner on the practitioner's ~~his or her~~
 3212 practitioner profile.
 3213 Section 69. Paragraph (c) of subsection (2) of section
 3214 458.3265, Florida Statutes, is amended to read:
 3215 458.3265 Pain-management clinics.—
 3216 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 3217 apply to any physician who provides professional services in a
 3218 pain-management clinic that is required to be registered in
 3219 subsection (1).
 3220 (c) A physician, a physician assistant, or an independent
 3221 advanced practice registered nurse, or an advanced practice
 3222 registered nurse ~~practitioner~~ must perform a physical
 3223 examination of a patient on the same day that the physician
 3224 prescribes a controlled substance to a patient at a pain-

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3225 management clinic. If the physician prescribes more than a 72-
 3226 hour dose of controlled substances for the treatment of chronic
 3227 nonmalignant pain, the physician must document in the patient's
 3228 record the reason for prescribing that quantity.

3229 Section 70. Paragraph (dd) of subsection (1) of section
 3230 458.331, Florida Statutes, are amended to read:

3231 458.331 Grounds for disciplinary action; action by the
 3232 board and department.—

3233 (1) The following acts constitute grounds for denial of a
 3234 license or disciplinary action, as specified in s. 456.072(2):

3235 (dd) Failing to supervise adequately the activities of
 3236 those physician assistants, paramedics, emergency medical
 3237 technicians, advanced practice registered nurses ~~nurse~~
 3238 ~~practitioners~~, or anesthesiologist assistants acting under the
 3239 supervision of the physician.

3240 Section 71. Paragraph (a) of subsection (1) and
 3241 subsections (2) and (4) of section 458.348, Florida Statutes,
 3242 are amended to read:

3243 458.348 Formal supervisory relationships, standing orders,
 3244 and established protocols; notice; standards.—

3245 (1) NOTICE.—

3246 (a) When a physician enters into a formal supervisory
 3247 relationship or standing orders with an emergency medical
 3248 technician or paramedic licensed pursuant to s. 401.27, which
 3249 relationship or orders contemplate the performance of medical

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3250 acts, or when a physician enters into an established protocol
 3251 with an advanced practice registered nurse ~~practitioner~~, which
 3252 protocol contemplates the performance of medical acts set forth
 3253 in s. 464.012(3) and (4), the physician shall submit notice to
 3254 the board. The notice shall contain a statement in substantially
 3255 the following form:

3256 I, ...(name and professional license number of
 3257 physician)..., of ...(address of physician)... have hereby
 3258 entered into a formal supervisory relationship, standing orders,
 3259 or an established protocol with ...(number of persons)...
 3260 emergency medical technician(s), ...(number of persons)...
 3261 paramedic(s), or ...(number of persons)... advanced practice
 3262 registered nurse(s) ~~nurse-practitioner(s)~~.

3263 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
 3264 joint committee shall determine minimum standards for the
 3265 content of established protocols pursuant to which an advanced
 3266 practice registered nurse ~~practitioner~~ may perform medical acts
 3267 or acts set forth in s. 464.012(3) and (4) and shall determine
 3268 minimum standards for supervision of such acts by the physician,
 3269 unless the joint committee determines that any act set forth in
 3270 s. 464.012(3) or (4) is not a medical act. Such standards shall
 3271 be based on risk to the patient and acceptable standards of
 3272 medical care and shall take into account the special problems of
 3273 medically underserved areas. The standards developed by the
 3274 joint committee shall be adopted as rules by the Board of

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3275 Nursing and the Board of Medicine for purposes of carrying out
 3276 their responsibilities pursuant to part I of chapter 464 and
 3277 this chapter, respectively, but neither board shall have
 3278 disciplinary powers over the licensees of the other board.

3279 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

3280 A physician who supervises an advanced practice registered nurse
 3281 ~~practitioner~~ or physician assistant at a medical office other
 3282 than the physician's primary practice location, where the
 3283 advanced practice registered nurse ~~practitioner~~ or physician
 3284 assistant is not under the onsite supervision of a supervising
 3285 physician, must comply with the standards set forth in this
 3286 subsection. For the purpose of this subsection, a physician's
 3287 "primary practice location" means the address reflected on the
 3288 physician's profile published pursuant to s. 456.041.

3289 (a) A physician who is engaged in providing primary health
 3290 care services may not supervise more than four offices in
 3291 addition to the physician's primary practice location. For the
 3292 purpose of this subsection, "primary health care" means health
 3293 care services that are commonly provided to patients without
 3294 referral from another practitioner, including obstetrical and
 3295 gynecological services, and excludes practices providing
 3296 primarily dermatologic and skin care services, which include
 3297 aesthetic skin care services.

3298 (b) A physician who is engaged in providing specialty
 3299 health care services may not supervise more than two offices in

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3300 addition to the physician's primary practice location. For the
 3301 purpose of this subsection, "specialty health care" means health
 3302 care services that are commonly provided to patients with a
 3303 referral from another practitioner and excludes practices
 3304 providing primarily dermatologic and skin care services, which
 3305 include aesthetic skin care services.

3306 (c) A physician who supervises an advanced practice
 3307 registered nurse ~~practitioner~~ or physician assistant at a
 3308 medical office other than the physician's primary practice
 3309 location, where the advanced practice registered nurse
 3310 ~~practitioner~~ or physician assistant is not under the onsite
 3311 supervision of a supervising physician and the services offered
 3312 at the office are primarily dermatologic or skin care services,
 3313 which include aesthetic skin care services other than plastic
 3314 surgery, must comply with the standards listed in subparagraphs
 3315 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician
 3316 supervising a physician assistant pursuant to this paragraph may
 3317 not be required to review and cosign charts or medical records
 3318 prepared by such physician assistant.

3319 1. The physician shall submit to the board the addresses
 3320 of all offices where he or she is supervising an advanced
 3321 practice registered nurse ~~practitioner~~ or a physician
 3322 ~~physician's~~ assistant which are not the physician's primary
 3323 practice location.

3324 2. The physician must be board certified or board eligible

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3325 | in dermatology or plastic surgery as recognized by the board
 3326 | pursuant to s. 458.3312.

3327 | 3. All such offices that are not the physician's primary
 3328 | place of practice must be within 25 miles of the physician's
 3329 | primary place of practice or in a county that is contiguous to
 3330 | the county of the physician's primary place of practice.
 3331 | However, the distance between any of the offices may not exceed
 3332 | 75 miles.

3333 | 4. The physician may supervise only one office other than
 3334 | the physician's primary place of practice ~~except that until July~~
 3335 | ~~1, 2011, the physician may supervise up to two medical offices~~
 3336 | ~~other than the physician's primary place of practice if the~~
 3337 | ~~addresses of the offices are submitted to the board before July~~
 3338 | ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
 3339 | ~~only one office other than the physician's primary place of~~
 3340 | ~~practice, regardless of when the addresses of the offices were~~
 3341 | ~~submitted to the board.~~

3342 | (d) A physician who supervises an office in addition to
 3343 | the physician's primary practice location must conspicuously
 3344 | post in each of the physician's offices a current schedule of
 3345 | the regular hours when the physician is present in that office
 3346 | and the hours when the office is open while the physician is not
 3347 | present.

3348 | (e) This subsection does not apply to health care services
 3349 | provided in facilities licensed under chapter 395 or in

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3350 conjunction with a college of medicine, a college of nursing, an
 3351 accredited graduate medical program, or a nursing education
 3352 program; not-for-profit, family-planning clinics that are not
 3353 licensed pursuant to chapter 390; rural and federally qualified
 3354 health centers; health care services provided in a nursing home
 3355 licensed under part II of chapter 400, an assisted living
 3356 facility licensed under part I of chapter 429, a continuing care
 3357 facility licensed under chapter 651, or a retirement community
 3358 consisting of independent living units and a licensed nursing
 3359 home or assisted living facility; anesthesia services provided
 3360 in accordance with law; health care services provided in a
 3361 designated rural health clinic; health care services provided to
 3362 persons enrolled in a program designed to maintain elderly
 3363 persons and persons with disabilities in a home or community-
 3364 based setting; university primary care student health centers;
 3365 school health clinics; or health care services provided in
 3366 federal, state, or local government facilities. Subsection (3)
 3367 and this subsection do not apply to offices at which the
 3368 exclusive service being performed is laser hair removal by an
 3369 advanced registered nurse practitioner or physician assistant.

3370 Section 72. Paragraph (c) of subsection (2) of section
 3371 459.0137, Florida Statutes, is amended to read:

3372 459.0137 Pain-management clinics.—

3373 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 3374 apply to any osteopathic physician who provides professional

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3375 services in a pain-management clinic that is required to be
 3376 registered in subsection (1).

3377 (c) An osteopathic physician, a physician assistant, or an
 3378 independent advanced practice registered nurse, or an advanced
 3379 practice registered nurse ~~practitioner~~ must perform a physical
 3380 examination of a patient on the same day that the physician
 3381 prescribes a controlled substance to a patient at a pain-
 3382 management clinic. If the osteopathic physician prescribes more
 3383 than a 72-hour dose of controlled substances for the treatment
 3384 of chronic nonmalignant pain, the osteopathic physician must
 3385 document in the patient's record the reason for prescribing that
 3386 quantity.

3387 Section 73. Paragraph (hh) of subsection (1) of section
 3388 459.015, Florida Statutes, is amended to read:

3389 459.015 Grounds for disciplinary action; action by the
 3390 board and department.—

3391 (1) The following acts constitute grounds for denial of a
 3392 license or disciplinary action, as specified in s. 456.072(2):

3393 (hh) Failing to supervise adequately the activities of
 3394 those physician assistants, paramedics, emergency medical
 3395 technicians, advanced practice registered nurses ~~nurse~~
 3396 ~~practitioners~~, anesthesiologist assistants, or other persons
 3397 acting under the supervision of the osteopathic physician.

3398 Section 74. Paragraph (a) of subsection (1) and subsection
 3399 (3) of section 459.025, Florida Statutes, is amended to read:

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3400 459.025 Formal supervisory relationships, standing orders,
3401 and established protocols; notice; standards.—

3402 (1) NOTICE.—

3403 (a) When an osteopathic physician enters into a formal
3404 supervisory relationship or standing orders with an emergency
3405 medical technician or paramedic licensed pursuant to s. 401.27,
3406 which relationship or orders contemplate the performance of
3407 medical acts, or when an osteopathic physician enters into an
3408 established protocol with an advanced practice registered nurse
3409 ~~practitioner~~, which protocol contemplates the performance of
3410 medical acts or acts set forth in s. 464.012(3) and (4), the
3411 osteopathic physician shall submit notice to the board. The
3412 notice must contain a statement in substantially the following
3413 form:

3414 I, ...(name and professional license number of osteopathic
3415 physician)..., of ...(address of osteopathic physician)... have
3416 hereby entered into a formal supervisory relationship, standing
3417 orders, or an established protocol with ...(number of
3418 persons)... emergency medical technician(s), ...(number of
3419 persons)... paramedic(s), or ...(number of persons)... advanced
3420 practice registered nurse(s) ~~nurse practitioner(s)~~.

3421 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

3422 An osteopathic physician who supervises an advanced practice
3423 registered nurse ~~practitioner~~ or physician assistant at a
3424 medical office other than the osteopathic physician's primary

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3425 | practice location, where the advanced registered nurse
 3426 | practitioner or physician assistant is not under the onsite
 3427 | supervision of a supervising osteopathic physician, must comply
 3428 | with the standards set forth in this subsection. For the purpose
 3429 | of this subsection, an osteopathic physician's "primary practice
 3430 | location" means the address reflected on the physician's profile
 3431 | published pursuant to s. 456.041.

3432 | (a) An osteopathic physician who is engaged in providing
 3433 | primary health care services may not supervise more than four
 3434 | offices in addition to the osteopathic physician's primary
 3435 | practice location. For the purpose of this subsection, "primary
 3436 | health care" means health care services that are commonly
 3437 | provided to patients without referral from another practitioner,
 3438 | including obstetrical and gynecological services, and excludes
 3439 | practices providing primarily dermatologic and skin care
 3440 | services, which include aesthetic skin care services.

3441 | (b) An osteopathic physician who is engaged in providing
 3442 | specialty health care services may not supervise more than two
 3443 | offices in addition to the osteopathic physician's primary
 3444 | practice location. For the purpose of this subsection,
 3445 | "specialty health care" means health care services that are
 3446 | commonly provided to patients with a referral from another
 3447 | practitioner and excludes practices providing primarily
 3448 | dermatologic and skin care services, which include aesthetic
 3449 | skin care services.

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3450 (c) An osteopathic physician who supervises an advanced
 3451 practice registered nurse ~~practitioner~~ or physician assistant at
 3452 a medical office other than the osteopathic physician's primary
 3453 practice location, where the advanced practice registered nurse
 3454 ~~practitioner~~ or physician assistant is not under the onsite
 3455 supervision of a supervising osteopathic physician and the
 3456 services offered at the office are primarily dermatologic or
 3457 skin care services, which include aesthetic skin care services
 3458 other than plastic surgery, must comply with the standards
 3459 listed in subparagraphs 1.-4. Notwithstanding s.

3460 459.022(4)(e)6., an osteopathic physician supervising a
 3461 physician assistant pursuant to this paragraph may not be
 3462 required to review and cosign charts or medical records prepared
 3463 by such physician assistant.

3464 1. The osteopathic physician shall submit to the Board of
 3465 Osteopathic Medicine the addresses of all offices where the
 3466 osteopathic physician ~~he or she~~ is supervising or has a protocol
 3467 with an advanced practice registered nurse ~~practitioner~~ or a
 3468 physician ~~physician's~~ assistant which are not the osteopathic
 3469 physician's primary practice location.

3470 2. The osteopathic physician must be board certified or
 3471 board eligible in dermatology or plastic surgery as recognized
 3472 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

3473 3. All such offices that are not the osteopathic
 3474 physician's primary place of practice must be within 25 miles of

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3475 | the osteopathic physician's primary place of practice or in a
 3476 | county that is contiguous to the county of the osteopathic
 3477 | physician's primary place of practice. However, the distance
 3478 | between any of the offices may not exceed 75 miles.

3479 | 4. The osteopathic physician may supervise only one office
 3480 | other than the osteopathic physician's primary place of practice
 3481 | ~~except that until July 1, 2011, the osteopathic physician may~~
 3482 | ~~supervise up to two medical offices other than the osteopathic~~
 3483 | ~~physician's primary place of practice if the addresses of the~~
 3484 | ~~offices are submitted to the Board of Osteopathic Medicine~~
 3485 | ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
 3486 | ~~physician may supervise only one office other than the~~
 3487 | ~~osteopathic physician's primary place of practice, regardless of~~
 3488 | ~~when the addresses of the offices were submitted to the Board of~~
 3489 | ~~Osteopathic Medicine.~~

3490 | (d) An osteopathic physician who supervises an office in
 3491 | addition to the osteopathic physician's primary practice
 3492 | location must conspicuously post in each of the osteopathic
 3493 | physician's offices a current schedule of the regular hours when
 3494 | the osteopathic physician is present in that office and the
 3495 | hours when the office is open while the osteopathic physician is
 3496 | not present.

3497 | (e) This subsection does not apply to health care services
 3498 | provided in facilities licensed under chapter 395 or in
 3499 | conjunction with a college of medicine or college of nursing or

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3500 an accredited graduate medical or nursing education program;
 3501 offices where the only service being performed is hair removal
 3502 by an advanced practice registered nurse ~~practitioner~~ or
 3503 physician assistant; not-for-profit, family-planning clinics
 3504 that are not licensed pursuant to chapter 390; rural and
 3505 federally qualified health centers; health care services
 3506 provided in a nursing home licensed under part II of chapter
 3507 400, an assisted living facility licensed under part I of
 3508 chapter 429, a continuing care facility licensed under chapter
 3509 651, or a retirement community consisting of independent living
 3510 units and either a licensed nursing home or assisted living
 3511 facility; anesthesia services provided in accordance with law;
 3512 health care services provided in a designated rural health
 3513 clinic; health care services provided to persons enrolled in a
 3514 program designed to maintain elderly persons and persons with
 3515 disabilities in a home or community-based setting; university
 3516 primary care student health centers; school health clinics; or
 3517 health care services provided in federal, state, or local
 3518 government facilities.

3519 Section 75. Subsection (2) of section 464.004, Florida
 3520 Statutes, is amended to read:

3521 464.004 Board of Nursing; membership; appointment; terms.—

3522 (2) Seven members of the board must be registered nurses
 3523 who are residents of this state and who have been engaged in the
 3524 practice of professional nursing for at least 4 years, including

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3525 | at least one advanced practice registered nurse ~~practitioner~~,
 3526 | one nurse educator member of an approved program, and one nurse
 3527 | executive. These seven board members should be representative of
 3528 | the diverse areas of practice within the nursing profession. In
 3529 | addition, three members of the board must be licensed practical
 3530 | nurses who are residents of this state and who have been
 3531 | actively engaged in the practice of practical nursing for at
 3532 | least 4 years prior to their appointment. The remaining three
 3533 | members must be residents of the state who have never been
 3534 | licensed as nurses and who are in no way connected with the
 3535 | practice of nursing. No person may be appointed as a lay member
 3536 | who is in any way connected with, or has any financial interest
 3537 | in, any health care facility, agency, or insurer. At least one
 3538 | member of the board must be 60 years of age or older.

3539 | Section 76. Paragraph (a) of subsection (4) of section
 3540 | 464.0205, Florida Statutes, is amended to read:

3541 | 464.0205 Retired volunteer nurse certificate.—

3542 | (4) A retired volunteer nurse receiving certification from
 3543 | the board shall:

3544 | (a) Work under the direct supervision of the director of a
 3545 | county health department, a physician working under a limited
 3546 | license issued pursuant to s. 458.317 or s. 459.0075, a
 3547 | physician licensed under chapter 458 or chapter 459, an
 3548 | independent advanced practice registered nurse registered under
 3549 | s. 464.0125, an advanced practice registered nurse ~~practitioner~~

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3550 certified under s. 464.012, or a registered nurse licensed under
 3551 s. 464.008 or s. 464.009.

3552 Section 77. Subsection (2) of section 467.003, Florida
 3553 Statutes, is amended to read:

3554 467.003 Definitions.—As used in this chapter, unless the
 3555 context otherwise requires:

3556 (2) "Certified nurse midwife" means a person who is
 3557 certified ~~licensed~~ as an advanced practice registered nurse
 3558 ~~practitioner~~ under part I of chapter 464 and who is certified to
 3559 practice midwifery by the American College of Nurse Midwives.

3560 Section 78. Paragraph (b) of subsection (1) of section
 3561 480.0475, Florida Statutes, is amended to read:

3562 480.0475 Massage establishments; prohibited practices.—

3563 (1) A person may not operate a massage establishment
 3564 between the hours of midnight and 5 a.m. This subsection does
 3565 not apply to a massage establishment:

3566 (b) In which every massage performed between the hours of
 3567 midnight and 5 a.m. is performed by a massage therapist acting
 3568 under the prescription of a physician or physician assistant
 3569 licensed under chapter 458, an osteopathic physician or
 3570 physician assistant licensed under chapter 459, a chiropractic
 3571 physician licensed under chapter 460, a podiatric physician
 3572 licensed under chapter 461, an independent advanced practice
 3573 registered nurse registered, or an advanced practice registered
 3574 nurse certified ~~practitioner~~ licensed under part I of chapter

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3575 464, or a dentist licensed under chapter 466; or
 3576 Section 79. Subsection (7) of section 483.041, Florida
 3577 Statutes, is amended to read:
 3578 483.041 Definitions.—As used in this part, the term:
 3579 (7) "Licensed practitioner" means a physician licensed
 3580 under chapter 458, chapter 459, chapter 460, or chapter 461; a
 3581 physician assistant licensed under chapter 458 or chapter 459; a
 3582 certified optometrist licensed under chapter 463; a dentist
 3583 licensed under chapter 466; a person licensed under chapter 462;
 3584 a consultant pharmacist or doctor of pharmacy licensed under
 3585 chapter 465; an independent advanced practice registered nurse
 3586 registered, or an advanced practice registered nurse certified
 3587 ~~practitioner licensed~~ under part I of chapter 464; or a duly
 3588 licensed practitioner from another state licensed under similar
 3589 statutes who orders examinations on materials or specimens for
 3590 nonresidents of the State of Florida, but who reside in the same
 3591 state as the requesting licensed practitioner.
 3592 Section 80. Subsection (5) of section 483.181, Florida
 3593 Statutes, is amended to read:
 3594 483.181 Acceptance, collection, identification, and
 3595 examination of specimens.—
 3596 (5) A clinical laboratory licensed under this part must
 3597 make its services available to a practitioner licensed under
 3598 chapter 458, chapter 459, chapter 460, chapter 461, chapter 462,
 3599 chapter 463, s. 464.012, s. 464.0125, or chapter 466, or to a

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3600 consultant pharmacist or doctor of pharmacy licensed under
 3601 chapter 465. A clinical laboratory shall not charge different
 3602 prices for its services based upon the chapter under which a
 3603 practitioner is licensed.

3604 Section 81. Subsection (5) of section 483.801, Florida
 3605 Statutes, is amended to read:

3606 483.801 Exemptions.—This part applies to all clinical
 3607 laboratories and clinical laboratory personnel within this
 3608 state, except:

3609 (5) Advanced practice registered nurses certified nurse
 3610 ~~practitioners licensed~~ under part I of chapter 464 who perform
 3611 provider-performed microscopy procedures (PPMP) in an exclusive-
 3612 use laboratory setting.

3613 Section 82. Paragraph (a) of subsection (11) of section
 3614 486.021, Florida Statutes, is amended to read:

3615 486.021 Definitions.—In this chapter, unless the context
 3616 otherwise requires, the term:

3617 (11) "Practice of physical therapy" means the performance
 3618 of physical therapy assessments and the treatment of any
 3619 disability, injury, disease, or other health condition of human
 3620 beings, or the prevention of such disability, injury, disease,
 3621 or other condition of health, and rehabilitation as related
 3622 thereto by the use of the physical, chemical, and other
 3623 properties of air; electricity; exercise; massage; the
 3624 performance of acupuncture only upon compliance with the

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3625 criteria set forth by the Board of Medicine, when no penetration
 3626 of the skin occurs; the use of radiant energy, including
 3627 ultraviolet, visible, and infrared rays; ultrasound; water; the
 3628 use of apparatus and equipment in the application of the
 3629 foregoing or related thereto; the performance of tests of
 3630 neuromuscular functions as an aid to the diagnosis or treatment
 3631 of any human condition; or the performance of electromyography
 3632 as an aid to the diagnosis of any human condition only upon
 3633 compliance with the criteria set forth by the Board of Medicine.

3634 (a) A physical therapist may implement a plan of treatment
 3635 developed by the physical therapist for a patient or provided
 3636 for a patient by a practitioner of record, ~~or by an independent~~
 3637 advanced practice registered nurse registered under s. 464.0125,
 3638 or an advanced practice registered nurse certified practitioner
 3639 ~~licensed~~ under s. 464.012. The physical therapist shall refer
 3640 the patient to or consult with a practitioner of record if the
 3641 patient's condition is found to be outside the scope of physical
 3642 therapy. If physical therapy treatment for a patient is required
 3643 beyond 30 days for a condition not previously assessed by a
 3644 practitioner of record, the physical therapist shall have a
 3645 practitioner of record review and sign the plan. The requirement
 3646 that a physical therapist have a practitioner of record review
 3647 and sign a plan of treatment does not apply when a patient has
 3648 been physically examined by a physician licensed in another
 3649 state, the patient has been diagnosed by the physician as having

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3650 a condition for which physical therapy is required, and the
 3651 physical therapist is treating the condition. For purposes of
 3652 this paragraph, a health care practitioner licensed under
 3653 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
 3654 466 and engaged in active practice is eligible to serve as a
 3655 practitioner of record.

3656 Section 83. Paragraph (d) of subsection (1) of section
 3657 490.012, Florida Statutes, is amended to read:

3658 490.012 Violations; penalties; injunction.—

3659 (1)

3660 (d) No person shall hold herself or himself out by any
 3661 title or description incorporating the word, or a permutation of
 3662 the word, "psychotherapy" unless such person holds a valid,
 3663 active license under chapter 458, chapter 459, chapter 490, or
 3664 chapter 491, or such person is registered as an independent
 3665 advanced practice registered nurse registered under s. 464.0125
 3666 or certified as an advanced practice registered nurse under
 3667 practitioner, pursuant to s. 464.012, and who has been
 3668 determined by the Board of Nursing to be ~~as~~ a specialist in
 3669 psychiatric mental health.

3670 Section 84. Subsection (1) of section 491.0057, Florida
 3671 Statutes, is amended to read:

3672 491.0057 Dual licensure as a marriage and family
 3673 therapist.—The department shall license as a marriage and family
 3674 therapist any person who demonstrates to the board that he or

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3675 she:

3676 (1) Holds a valid, active license as a psychologist under
 3677 chapter 490 or as a clinical social worker or mental health
 3678 counselor under this chapter, or is registered under s. 464.0125
 3679 as an independent advanced practice registered nurse or
 3680 certified under s. 464.012 as an advanced practice registered
 3681 nurse and ~~practitioner who~~ has been determined by the Board of
 3682 Nursing to be ~~as~~ a specialist in psychiatric mental health.

3683 Section 85. Paragraph (d) of subsection (1) and subsection
 3684 (2) of section 491.012, Florida Statutes, is amended to read:
 3685 491.012 Violations; penalty; injunction.-

3686 (1) It is unlawful and a violation of this chapter for any
 3687 person to:

3688 (d) Use the terms psychotherapist, sex therapist, or
 3689 juvenile sexual offender therapist unless such person is
 3690 licensed pursuant to this chapter or chapter 490, or is
 3691 registered under s. 464.0125 as an independent advanced practice
 3692 registered nurse or certified under s. 464.012 as an advanced
 3693 practice registered nurse and ~~practitioner who~~ has been
 3694 determined by the Board of Nursing to be ~~as~~ a specialist in
 3695 psychiatric mental health and the use of such terms is within
 3696 the scope of her or his practice based on education, training,
 3697 and licensure.

3698 (2) It is unlawful and a violation of this chapter for any
 3699 person to describe her or his services using the following terms

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3700 or any derivative thereof, unless such person holds a valid,
 3701 active license under this chapter or chapter 490, or is
 3702 registered under s. 464.0125 as an independent advanced practice
 3703 registered nurse or is certified under s. 464.012 as an advanced
 3704 practice registered nurse and ~~practitioner who~~ has been
 3705 determined by the Board of Nursing to be ~~as~~ a specialist in
 3706 psychiatric mental health and the use of such terms is within
 3707 the scope of her or his practice based on education, training,
 3708 and licensure:

- 3709 (a) "Psychotherapy."
- 3710 (b) "Sex therapy."
- 3711 (c) "Sex counseling."
- 3712 (d) "Clinical social work."
- 3713 (e) "Psychiatric social work."
- 3714 (f) "Marriage and family therapy."
- 3715 (g) "Marriage and family counseling."
- 3716 (h) "Marriage counseling."
- 3717 (i) "Family counseling."
- 3718 (j) "Mental health counseling."

3719 Section 86. Subsection (2) of section 493.6108, Florida
 3720 Statutes, is amended to read:

3721 493.6108 Investigation of applicants by Department of
 3722 Agriculture and Consumer Services.—

3723 (2) In addition to subsection (1), the department shall
 3724 make an investigation of the general physical fitness of the

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3725 Class "G" applicant to bear a weapon or firearm. Determination
 3726 of physical fitness shall be certified by a physician or
 3727 physician assistant currently licensed pursuant to chapter 458,
 3728 chapter 459, or any similar law of another state or authorized
 3729 to act as a licensed physician by a federal agency or
 3730 department, or by an independent advanced practice registered
 3731 nurse registered, or an advanced practice registered nurse
 3732 certified, under part I of ~~practitioner currently licensed~~
 3733 ~~pursuant to~~ chapter 464. Such certification shall be submitted
 3734 on a form provided by the department.

3735 Section 87. Subsection (1) of section 626.9707, Florida
 3736 Statutes, is amended to read:

3737 626.9707 Disability insurance; discrimination on basis of
 3738 sickle-cell trait prohibited.—

3739 (1) An ~~No~~ insurer authorized to transact insurance in this
 3740 state may not ~~shall~~ refuse to issue and deliver in this state
 3741 any policy of disability insurance, whether such policy is
 3742 defined as individual, group, blanket, franchise, industrial, or
 3743 otherwise, which is currently being issued for delivery in this
 3744 state and which affords benefits and coverage for any medical
 3745 treatment or service authorized and permitted to be furnished by
 3746 a hospital, a clinic, a health clinic, a neighborhood health
 3747 clinic, a health maintenance organization, a physician, a
 3748 physician ~~physician's~~ assistant, an independent advanced
 3749 practice registered nurse, an advanced practice registered nurse

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3750 ~~practitioner~~, or a medical service facility or personnel solely
 3751 because the person to be insured has the sickle-cell trait.
 3752 Section 88. Paragraph (b) of subsection (1) of section
 3753 627.357, Florida Statutes, is amended to read:
 3754 627.357 Medical malpractice self-insurance.—
 3755 (1) DEFINITIONS.—As used in this section, the term:
 3756 (b) "Health care provider" means any:
 3757 1. Hospital licensed under chapter 395.
 3758 2. Physician licensed, or physician assistant licensed,
 3759 under chapter 458.
 3760 3. Osteopathic physician or physician assistant licensed
 3761 under chapter 459.
 3762 4. Podiatric physician licensed under chapter 461.
 3763 5. Health maintenance organization certificated under part
 3764 I of chapter 641.
 3765 6. Ambulatory surgical center licensed under chapter 395.
 3766 7. Chiropractic physician licensed under chapter 460.
 3767 8. Psychologist licensed under chapter 490.
 3768 9. Optometrist licensed under chapter 463.
 3769 10. Dentist licensed under chapter 466.
 3770 11. Pharmacist licensed under chapter 465.
 3771 12. Registered nurse, licensed practical nurse,
 3772 independent advanced practice registered nurse, or advanced
 3773 practice registered nurse ~~practitioner~~ licensed, ~~or registered,~~
 3774 or certified under part I of chapter 464.

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3775 13. Other medical facility.
 3776 14. Professional association, partnership, corporation,
 3777 joint venture, or other association established by the
 3778 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
 3779 10., 11., and 12. for professional activity.

3780 Section 89. Subsection (6) of section 627.6471, Florida
 3781 Statutes, is amended to read:

3782 627.6471 Contracts for reduced rates of payment;
 3783 limitations; coinsurance and deductibles.—

3784 (6) If psychotherapeutic services are covered by a policy
 3785 issued by the insurer, the insurer shall provide eligibility
 3786 criteria for each group of health care providers licensed under
 3787 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3788 include psychotherapy within the scope of their practice as
 3789 provided by law, or for any person who is registered as
 3790 independent advanced practice registered nurse under s. 464.0125
 3791 or certified as an advanced practice registered nurse
 3792 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
 3793 who specializes in psychiatric mental health. When
 3794 psychotherapeutic services are covered, eligibility criteria
 3795 shall be established by the insurer to be included in the
 3796 insurer's criteria for selection of network providers. The
 3797 insurer may not discriminate against a health care provider by
 3798 excluding such practitioner from its provider network solely on
 3799 the basis of the practitioner's license.

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3800 Section 90. Subsections (15) and (17) of section 627.6472,
 3801 Florida Statutes, are amended to read:

3802 627.6472 Exclusive provider organizations.—

3803 (15) If psychotherapeutic services are covered by a policy
 3804 issued by the insurer, the insurer shall provide eligibility
 3805 criteria for all groups of health care providers licensed under
 3806 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3807 include psychotherapy within the scope of their practice as
 3808 provided by law, or for any person who is registered as an
 3809 independent advanced practice registered nurse under s. 464.0125
 3810 or certified as an advanced practice registered nurse
 3811 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
 3812 who specializes in psychiatric mental health. When
 3813 psychotherapeutic services are covered, eligibility criteria
 3814 shall be established by the insurer to be included in the
 3815 insurer's criteria for selection of network providers. The
 3816 insurer may not discriminate against a health care provider by
 3817 excluding such practitioner from its provider network solely on
 3818 the basis of the practitioner's license.

3819 (17) An exclusive provider organization shall not
 3820 discriminate with respect to participation as to any independent
 3821 advanced practice registered nurse registered pursuant to s.
 3822 464.0125 or advanced practice registered nurse ~~practitioner~~
 3823 ~~licensed and~~ certified pursuant to s. 464.012, who is acting
 3824 within the scope of such registration or license ~~and~~

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3825 certification, solely on the basis of such registration ~~license~~
 3826 or certification. This subsection shall not be construed to
 3827 prohibit a plan from including providers only to the extent
 3828 necessary to meet the needs of the plan's enrollees or from
 3829 establishing any measure designed to maintain quality and
 3830 control costs consistent with the responsibilities of the plan.

3831 Section 91. Paragraph (a) of subsection (1) of section
 3832 627.736, Florida Statutes, is amended to read:

3833 627.736 Required personal injury protection benefits;
 3834 exclusions; priority; claims.—

3835 (1) REQUIRED BENEFITS.—An insurance policy complying with
 3836 the security requirements of s. 627.733 must provide personal
 3837 injury protection to the named insured, relatives residing in
 3838 the same household, persons operating the insured motor vehicle,
 3839 passengers in the motor vehicle, and other persons struck by the
 3840 motor vehicle and suffering bodily injury while not an occupant
 3841 of a self-propelled vehicle, subject to subsection (2) and
 3842 paragraph (4) (e), to a limit of \$10,000 in medical and
 3843 disability benefits and \$5,000 in death benefits resulting from
 3844 bodily injury, sickness, disease, or death arising out of the
 3845 ownership, maintenance, or use of a motor vehicle as follows:

3846 (a) Medical benefits.—Eighty percent of all reasonable
 3847 expenses for medically necessary medical, surgical, X-ray,
 3848 dental, and rehabilitative services, including prosthetic
 3849 devices and medically necessary ambulance, hospital, and nursing

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3850 services if the individual receives initial services and care
 3851 pursuant to subparagraph 1. within 14 days after the motor
 3852 vehicle accident. The medical benefits provide reimbursement
 3853 only for:

3854 1. Initial services and care that are lawfully provided,
 3855 supervised, ordered, or prescribed by a physician licensed under
 3856 chapter 458 or chapter 459, a dentist licensed under chapter
 3857 466, ~~or~~ a chiropractic physician licensed under chapter 460, or
 3858 an independent advance practice registered nurse registered
 3859 under s. 464.0125, or that are provided in a hospital or in a
 3860 facility that owns, or is wholly owned by, a hospital. Initial
 3861 services and care may also be provided by a person or entity
 3862 licensed under part III of chapter 401 which provides emergency
 3863 transportation and treatment.

3864 2. Upon referral by a provider described in subparagraph
 3865 1., followup services and care consistent with the underlying
 3866 medical diagnosis rendered pursuant to subparagraph 1. which may
 3867 be provided, supervised, ordered, or prescribed only by a
 3868 physician licensed under chapter 458 or chapter 459, a
 3869 chiropractic physician licensed under chapter 460, a dentist
 3870 licensed under chapter 466, an independent advance practice
 3871 registered nurse under s. 464.0125, or, to the extent permitted
 3872 by applicable law and under the supervision of such physician,
 3873 osteopathic physician, chiropractic physician, ~~or~~ dentist, or
 3874 independent advanced practice registered nurse, by a physician

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3875 | assistant licensed under chapter 458 or chapter 459 or an
 3876 | advanced practice registered nurse certified practitioner
 3877 | ~~licensed~~ under s. 464.012 ~~chapter 464~~. Followup services and
 3878 | care may also be provided by the following persons or entities:
 3879 | a. A hospital or ambulatory surgical center licensed under
 3880 | chapter 395.
 3881 | b. An entity wholly owned by one or more physicians
 3882 | licensed under chapter 458 or chapter 459, chiropractic
 3883 | physicians licensed under chapter 460, independent advanced
 3884 | practice registered nurses registered under s. 464.0125, or
 3885 | dentists licensed under chapter 466 or by such practitioners and
 3886 | the spouse, parent, child, or sibling of such practitioners.
 3887 | c. An entity that owns or is wholly owned, directly or
 3888 | indirectly, by a hospital or hospitals.
 3889 | d. A physical therapist licensed under chapter 486, based
 3890 | upon a referral by a provider described in this subparagraph.
 3891 | e. A health care clinic licensed under part X of chapter
 3892 | 400 which is accredited by an accrediting organization whose
 3893 | standards incorporate comparable regulations required by this
 3894 | state, or
 3895 | (I) Has a medical director licensed under chapter 458,
 3896 | chapter 459, or chapter 460;
 3897 | (II) Has been continuously licensed for more than 3 years
 3898 | or is a publicly traded corporation that issues securities
 3899 | traded on an exchange registered with the United States

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3900 Securities and Exchange Commission as a national securities
 3901 exchange; and
 3902 (III) Provides at least four of the following medical
 3903 specialties:
 3904 (A) General medicine.
 3905 (B) Radiography.
 3906 (C) Orthopedic medicine.
 3907 (D) Physical medicine.
 3908 (E) Physical therapy.
 3909 (F) Physical rehabilitation.
 3910 (G) Prescribing or dispensing outpatient prescription
 3911 medication.
 3912 (H) Laboratory services.
 3913 3. Reimbursement for services and care provided in
 3914 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
 3915 licensed under chapter 458 or chapter 459, a dentist licensed
 3916 under chapter 466, an independent advanced practice registered
 3917 nurse registered under s. 464.0125, a physician assistant
 3918 licensed under chapter 458 or chapter 459, or an advanced
 3919 practice registered nurse certified practitioner ~~licensed~~ under
 3920 s. 464.012 ~~chapter 464~~ has determined that the injured person
 3921 had an emergency medical condition.
 3922 4. Reimbursement for services and care provided in
 3923 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
 3924 provider listed in subparagraph 1. or subparagraph 2. determines

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3925 | that the injured person did not have an emergency medical
 3926 | condition.

3927 | 5. Medical benefits do not include massage as defined in
 3928 | s. 480.033 or acupuncture as defined in s. 457.102, regardless
 3929 | of the person, entity, or licensee providing massage or
 3930 | acupuncture, and a licensed massage therapist or licensed
 3931 | acupuncturist may not be reimbursed for medical benefits under
 3932 | this section.

3933 | 6. The Financial Services Commission shall adopt by rule
 3934 | the form that must be used by an insurer and a health care
 3935 | provider specified in sub-subparagraph 2.b., sub-subparagraph
 3936 | 2.c., or sub-subparagraph 2.e. to document that the health care
 3937 | provider meets the criteria of this paragraph. Such rule must
 3938 | include a requirement for a sworn statement or affidavit.

3939 |
 3940 | Only insurers writing motor vehicle liability insurance in this
 3941 | state may provide the required benefits of this section, and
 3942 | such insurer may not require the purchase of any other motor
 3943 | vehicle coverage other than the purchase of property damage
 3944 | liability coverage as required by s. 627.7275 as a condition for
 3945 | providing such benefits. Insurers may not require that property
 3946 | damage liability insurance in an amount greater than \$10,000 be
 3947 | purchased in conjunction with personal injury protection. Such
 3948 | insurers shall make benefits and required property damage
 3949 | liability insurance coverage available through normal marketing

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3950 channels. An insurer writing motor vehicle liability insurance
 3951 in this state who fails to comply with such availability
 3952 requirement as a general business practice violates part IX of
 3953 chapter 626, and such violation constitutes an unfair method of
 3954 competition or an unfair or deceptive act or practice involving
 3955 the business of insurance. An insurer committing such violation
 3956 is subject to the penalties provided under that part, as well as
 3957 those provided elsewhere in the insurance code.

3958 Section 92. Subsection (5) of section 633.412, Florida
 3959 Statutes, is amended to read:

3960 633.412 Firefighters; qualifications for certification.—A
 3961 person applying for certification as a firefighter must:

3962 (5) Be in good physical condition as determined by a
 3963 medical examination given by a physician, surgeon, or physician
 3964 assistant licensed to practice in the state under ~~pursuant to~~
 3965 chapter 458; an osteopathic physician, surgeon, or physician
 3966 assistant licensed to practice in the state under ~~pursuant to~~
 3967 chapter 459; or an independent advanced practice registered
 3968 nurse registered, or an advanced practice registered nurse
 3969 certified practitioner licensed to practice in the state under
 3970 part I of ~~pursuant to~~ chapter 464. Such examination may include,
 3971 but need not be limited to, the National Fire Protection
 3972 Association Standard 1582. A medical examination evidencing good
 3973 physical condition shall be submitted to the division, on a form
 3974 as provided by rule, before an individual is eligible for

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3975 admission into a course under s. 633.408.

3976 Section 93. Section 641.3923, Florida Statutes, is amended

3977 to read:

3978 641.3923 Discrimination against providers prohibited.—A

3979 health maintenance organization may ~~shall~~ not discriminate with

3980 respect to participation as to any independent advanced practice

3981 registered nurse registered under s. 464.0125, advanced practice

3982 registered nurse practitioner licensed and certified under

3983 ~~pursuant to~~ s. 464.012, or physician assistant licensed under

3984 chapter 458 or chapter 459, who is acting within the scope of

3985 such registration, license and certification, license, solely on

3986 the basis of such registration, license or certification, or

3987 license. This section shall not be construed to prohibit a plan

3988 from including providers only to the extent necessary to meet

3989 the needs of the plan's enrollees or from establishing any

3990 measure designed to maintain quality and control costs

3991 consistent with the responsibilities of the plan.

3992 Section 94. Subsection (8) of section 641.495, Florida

3993 Statutes, is amended to read:

3994 641.495 Requirements for issuance and maintenance of

3995 certificate.—

3996 (8) Each organization's contracts, certificates, and

3997 subscriber handbooks shall contain a provision, if applicable,

3998 disclosing that, for certain types of described medical

3999 procedures, services may be provided by physician assistants,

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4000 independent advanced practice registered nurses, advanced
 4001 practice registered nurses ~~nurse practitioners~~, or other
 4002 individuals who are not licensed physicians.

4003 Section 95. Subsection (1) of section 744.2006, Florida
 4004 Statutes, is amended to read:

4005 744.2006 Office of Public and Professional Guardians;
 4006 appointment, notification.—

4007 (1) The executive director of the Office of Public and
 4008 Professional Guardians, after consultation with the chief judge
 4009 and other circuit judges within the judicial circuit and with
 4010 appropriate advocacy groups and individuals and organizations
 4011 who are knowledgeable about the needs of incapacitated persons,
 4012 may establish, within a county in the judicial circuit or within
 4013 the judicial circuit, one or more offices of public guardian and
 4014 if so established, shall create a list of persons best qualified
 4015 to serve as the public guardian, who have been investigated
 4016 pursuant to s. 744.3135. The public guardian must have knowledge
 4017 of the legal process and knowledge of social services available
 4018 to meet the needs of incapacitated persons. The public guardian
 4019 shall maintain a staff or contract with professionally qualified
 4020 individuals to carry out the guardianship functions, including
 4021 an attorney who has experience in probate areas and another
 4022 person who has a master's degree in social work, or a
 4023 gerontologist, a psychologist, a registered nurse, an
 4024 independent advanced practice registered nurse, or an advanced

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4025 | practice registered nurse ~~practitioner~~. A public guardian that
 4026 | is a nonprofit corporate guardian under s. 744.309(5) must
 4027 | receive tax-exempt status from the United States Internal
 4028 | Revenue Service.

4029 | Section 96. Paragraph (a) of subsection (3) of section
 4030 | 744.331, Florida Statutes, is amended to read:

4031 | 744.331 Procedures to determine incapacity.—

4032 | (3) EXAMINING COMMITTEE.—

4033 | (a) Within 5 days after a petition for determination of
 4034 | incapacity has been filed, the court shall appoint an examining
 4035 | committee consisting of three members. One member must be a
 4036 | psychiatrist or other physician. The remaining members must be
 4037 | either a psychologist, a gerontologist, a ~~another~~ psychiatrist,
 4038 | a ~~or other~~ physician, a registered nurse, an advanced practice
 4039 | registered nurse ~~practitioner~~, a physician assistant, a licensed
 4040 | social worker, a person with an advanced degree in gerontology
 4041 | from an accredited institution of higher education, or another
 4042 | ~~other~~ person who by knowledge, skill, experience, training, or
 4043 | education may, in the court's discretion, advise the court in
 4044 | the form of an expert opinion. One of three members of the
 4045 | committee must have knowledge of the type of incapacity alleged
 4046 | in the petition. Unless good cause is shown, the attending or
 4047 | family physician may not be appointed to the committee. If the
 4048 | attending or family physician is available for consultation, the
 4049 | committee must consult with the physician. Members of the

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4050 examining committee may not be related to or associated with one
 4051 another, with the petitioner, with counsel for the petitioner or
 4052 the proposed guardian, or with the person alleged to be totally
 4053 or partially incapacitated. A member may not be employed by any
 4054 private or governmental agency that has custody of, or
 4055 furnishes, services or subsidies, directly or indirectly, to the
 4056 person or the family of the person alleged to be incapacitated
 4057 or for whom a guardianship is sought. A petitioner may not serve
 4058 as a member of the examining committee. Members of the examining
 4059 committee must be able to communicate, either directly or
 4060 through an interpreter, in the language that the alleged
 4061 incapacitated person speaks or to communicate in a medium
 4062 understandable to the alleged incapacitated person if she or he
 4063 is able to communicate. The clerk of the court shall send notice
 4064 of the appointment to each person appointed no later than 3 days
 4065 after the court's appointment.

4066 Section 97. Subsection (6) of section 766.102, Florida
 4067 Statutes, is amended to read:

4068 766.102 Medical negligence; standards of recovery; expert
 4069 witness.—

4070 (6) A physician licensed under chapter 458 or chapter 459
 4071 who qualifies as an expert witness under subsection (5) and who,
 4072 by reason of active clinical practice or instruction of
 4073 students, has knowledge of the applicable standard of care for
 4074 nurses, independent advanced practice registered nurses,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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4075 advanced practice registered nurses ~~nurse practitioners,~~
 4076 ~~certified registered nurse anesthetists, certified registered~~
 4077 ~~nurse midwives,~~ physician assistants, or other medical support
 4078 staff may give expert testimony in a medical negligence action
 4079 with respect to the standard of care of such medical support
 4080 staff.

4081 Section 98. Subsection (3) of section 766.103, Florida
 4082 Statutes, is amended to read:

4083 766.103 Florida Medical Consent Law.—

4084 (3) ~~No~~ Recovery is not ~~shall be~~ allowed in any court in
 4085 this state against any physician licensed under chapter 458,
 4086 osteopathic physician licensed under chapter 459, chiropractic
 4087 physician licensed under chapter 460, podiatric physician
 4088 licensed under chapter 461, dentist licensed under chapter 466,
 4089 independent advanced practice registered nurse registered under
 4090 s. 464.0125, advanced practice registered nurse ~~practitioner~~
 4091 certified under s. 464.012, or physician assistant licensed
 4092 under s. 458.347 or s. 459.022 in an action brought for
 4093 treating, examining, or operating on a patient without his or
 4094 her informed consent when:

4095 (a)1. The action of the physician, osteopathic physician,
 4096 chiropractic physician, podiatric physician, dentist,
 4097 independent advanced practice registered nurse, advanced
 4098 practice registered nurse ~~practitioner,~~ or physician assistant
 4099 in obtaining the consent of the patient or another person

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4100 authorized to give consent for the patient was in accordance
 4101 with an accepted standard of medical practice among members of
 4102 the medical profession with similar training and experience in
 4103 the same or similar medical community as that of the person
 4104 treating, examining, or operating on the patient for whom the
 4105 consent is obtained; and

4106 2. A reasonable individual, from the information provided
 4107 by the physician, osteopathic physician, chiropractic physician,
 4108 podiatric physician, dentist, independent advanced practice
 4109 registered nurse, advanced practice registered nurse
 4110 ~~practitioner~~, or physician assistant, under the circumstances,
 4111 would have a general understanding of the procedure, the
 4112 medically acceptable alternative procedures or treatments, and
 4113 the substantial risks and hazards inherent in the proposed
 4114 treatment or procedures, which are recognized among other
 4115 physicians, osteopathic physicians, chiropractic physicians,
 4116 podiatric physicians, or dentists in the same or similar
 4117 community who perform similar treatments or procedures; or

4118 (b) The patient would reasonably, under all the
 4119 surrounding circumstances, have undergone such treatment or
 4120 procedure had he or she been advised by the physician,
 4121 osteopathic physician, chiropractic physician, podiatric
 4122 physician, dentist, independent advanced practice registered
 4123 nurse, advanced practice registered nurse ~~practitioner~~, or
 4124 physician assistant in accordance with the provisions of

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4125 paragraph (a).

4126 Section 99. Paragraph (d) of subsection (3) of section

4127 766.1115, Florida Statutes, is amended to read:

4128 766.1115 Health care providers; creation of agency

4129 relationship with governmental contractors.—

4130 (3) DEFINITIONS.—As used in this section, the term:

4131 (d) "Health care provider" or "provider" means:

4132 1. A birth center licensed under chapter 383.

4133 2. An ambulatory surgical center licensed under chapter

4134 395.

4135 3. A hospital licensed under chapter 395.

4136 4. A physician or physician assistant licensed under

4137 chapter 458.

4138 5. An osteopathic physician or osteopathic physician

4139 assistant licensed under chapter 459.

4140 6. A chiropractic physician licensed under chapter 460.

4141 7. A podiatric physician licensed under chapter 461.

4142 8. A registered nurse, ~~nurse midwife~~, a licensed practical

4143 nurse, an independent advanced practice registered nurse, or an

4144 advanced practice registered nurse practitioner licensed,

4145 registered, or certified registered ~~registered~~ under part I of chapter 464

4146 or any facility which employs nurses licensed or registered

4147 under part I of chapter 464 to supply all or part of the care

4148 delivered under this section.

4149 9. A midwife licensed under chapter 467.

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4150 10. A health maintenance organization certificated under
4151 part I of chapter 641.

4152 11. A health care professional association and its
4153 employees or a corporate medical group and its employees.

4154 12. Any other medical facility the primary purpose of
4155 which is to deliver human medical diagnostic services or which
4156 delivers nonsurgical human medical treatment, and which includes
4157 an office maintained by a provider.

4158 13. A dentist or dental hygienist licensed under chapter
4159 466.

4160 14. A free clinic that delivers only medical diagnostic
4161 services or nonsurgical medical treatment free of charge to all
4162 low-income recipients.

4163 15. Any other health care professional, practitioner,
4164 provider, or facility under contract with a governmental
4165 contractor, including a student enrolled in an accredited
4166 program that prepares the student for licensure as any one of
4167 the professionals listed in subparagraphs 4.-9.

4168
4169 The term includes any nonprofit corporation qualified as exempt
4170 from federal income taxation under s. 501(a) of the Internal
4171 Revenue Code, and described in s. 501(c) of the Internal Revenue
4172 Code, which delivers health care services provided by licensed
4173 professionals listed in this paragraph, any federally funded
4174 community health center, and any volunteer corporation or

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4175 volunteer health care provider that delivers health care
4176 services.

4177 Section 100. Subsection (1) of section 766.1116, Florida
4178 Statutes, is amended to read:

4179 766.1116 Health care practitioner; waiver of license
4180 renewal fees and continuing education requirements.—

4181 (1) As used in this section, the term "health care
4182 practitioner" means a physician or physician assistant licensed
4183 under chapter 458; an osteopathic physician or physician
4184 assistant licensed under chapter 459; a chiropractic physician
4185 licensed under chapter 460; a podiatric physician licensed under
4186 chapter 461; an independent advanced practice registered nurse,
4187 an advanced practice registered nurse ~~practitioner~~, a registered
4188 nurse, or a licensed practical nurse licensed, registered, or
4189 certified under part I of chapter 464; a dentist or dental
4190 hygienist licensed under chapter 466; or a midwife licensed
4191 under chapter 467, who participates as a health care provider
4192 under s. 766.1115.

4193 Section 101. Paragraph (c) of subsection (1) of section
4194 766.118, Florida Statutes, is amended to read:

4195 766.118 Determination of noneconomic damages.—

4196 (1) DEFINITIONS.—As used in this section, the term:

4197 (c) "Practitioner" means any person licensed under chapter
4198 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
4199 463, chapter 466, chapter 467, or chapter 486; registered under

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4200 s. 464.0125; or certified under s. 464.012. "Practitioner" also
 4201 means any association, corporation, firm, partnership, or other
 4202 business entity under which such practitioner practices or any
 4203 employee of such practitioner or entity acting in the scope of
 4204 his or her employment. For the purpose of determining the
 4205 limitations on noneconomic damages set forth in this section,
 4206 the term "practitioner" includes any person or entity for whom a
 4207 practitioner is vicariously liable and any person or entity
 4208 whose liability is based solely on such person or entity being
 4209 vicariously liable for the actions of a practitioner.

4210 Section 102. Subsection (3) of section 768.135, Florida
 4211 Statutes, is amended to read:

4212 768.135 Volunteer team practitioner ~~physicians~~; immunity.-

4213 (3) A practitioner licensed under chapter 458, chapter
 4214 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125 who gratuitously
 4215 and in good faith conducts an evaluation pursuant to s.
 4216 1006.20(2)(c) is not liable for any civil damages arising from
 4217 that evaluation unless the evaluation was conducted in a
 4218 wrongful manner.

4219 Section 103. Subsection (4) of section 782.071, Florida
 4220 Statutes, is amended to read:

4221 782.071 Vehicular homicide.-"Vehicular homicide" is the
 4222 killing of a human being, or the killing of an unborn child by
 4223 any injury to the mother, caused by the operation of a motor
 4224 vehicle by another in a reckless manner likely to cause the

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4225 death of, or great bodily harm to, another.

4226 (4) In addition to any other punishment, the court may
 4227 order the person to serve 120 community service hours in a
 4228 trauma center or hospital that regularly receives victims of
 4229 vehicle accidents, under the supervision of an independent
 4230 advanced practice registered nurse, an advanced practice
 4231 registered nurse, a registered nurse, an emergency room
 4232 physician, or an emergency medical technician pursuant to a
 4233 voluntary community service program operated by the trauma
 4234 center or hospital.

4235 Section 104. Subsection (5) of section 794.08, Florida
 4236 Statutes, is amended to read:

4237 794.08 Female genital mutilation.—

4238 (5) This section does not apply to procedures performed by
 4239 or under the direction of a physician licensed under chapter
 4240 458;~~;~~ an osteopathic physician licensed under chapter 459;~~;~~ a
 4241 registered nurse ~~licensed under part I of chapter 464,~~ a
 4242 practical nurse ~~licensed under part I of chapter 464,~~ an
 4243 independent advanced practice registered nurse, or an advanced
 4244 practice registered nurse practitioner licensed, registered, or
 4245 certified under part I of chapter 464;~~;~~ a midwife licensed under
 4246 chapter 467;~~;~~ or a physician assistant licensed under chapter
 4247 458 or chapter 459, when necessary to preserve the physical
 4248 health of a female person. This section also does not apply to
 4249 any autopsy or limited dissection conducted pursuant to chapter

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4250 406.

4251 Section 105. Subsection (23) of section 893.02, Florida
4252 Statutes, is amended to read:

4253 893.02 Definitions.—The following words and phrases as
4254 used in this chapter shall have the following meanings, unless
4255 the context otherwise requires:

4256 (23) "Practitioner" means a physician licensed under
4257 chapter 458, a dentist licensed under chapter 466, a
4258 veterinarian licensed under chapter 474, an osteopathic
4259 physician licensed under chapter 459, an independent advanced
4260 practice registered nurse registered under s. 464.0125, an
4261 advanced practice registered nurse ~~practitioner~~ certified under
4262 s. 464.012 ~~chapter 464~~, a naturopath licensed under chapter 462,
4263 a certified optometrist licensed under chapter 463, a
4264 psychiatric nurse as defined in s. 394.455, a podiatric
4265 physician licensed under chapter 461, or a physician assistant
4266 licensed under chapter 458 or chapter 459, provided such
4267 practitioner holds a valid federal controlled substance registry
4268 number.

4269 Section 106. Paragraph (b) of subsection (1) of section
4270 893.05, Florida Statutes, is amended to read:

4271 893.05 Practitioners and persons administering controlled
4272 substances in their absence.—

4273 (1)

4274 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.

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4275 464.012(3), as applicable, a practitioner who supervises a
 4276 licensed physician assistant or certified advanced practice
 4277 registered nurse ~~practitioner~~ may authorize the licensed
 4278 physician assistant or certified advanced practice registered
 4279 nurse ~~practitioner~~ to order controlled substances for
 4280 administration to a patient in a facility licensed under chapter
 4281 395 or part II of chapter 400.

4282 Section 107. Subsection (6) of section 943.13, Florida
 4283 Statutes, is amended to read:

4284 943.13 Officers' minimum qualifications for employment or
 4285 appointment.—On or after October 1, 1984, any person employed or
 4286 appointed as a full-time, part-time, or auxiliary law
 4287 enforcement officer or correctional officer; on or after October
 4288 1, 1986, any person employed as a full-time, part-time, or
 4289 auxiliary correctional probation officer; and on or after
 4290 October 1, 1986, any person employed as a full-time, part-time,
 4291 or auxiliary correctional officer by a private entity under
 4292 contract to the Department of Corrections, to a county
 4293 commission, or to the Department of Management Services shall:

4294 (6) Have passed a physical examination by a licensed
 4295 physician, a physician assistant, a registered independent
 4296 advanced practice registered nurse, or a certified advanced
 4297 practice registered nurse ~~practitioner~~, based on specifications
 4298 established by the commission. In order to be eligible for the
 4299 presumption set forth in s. 112.18 while employed with an

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4300 employing agency, a law enforcement officer, correctional
 4301 officer, or correctional probation officer must have
 4302 successfully passed the physical examination required by this
 4303 subsection upon entering into service as a law enforcement
 4304 officer, correctional officer, or correctional probation officer
 4305 with the employing agency, which examination must have failed to
 4306 reveal any evidence of tuberculosis, heart disease, or
 4307 hypertension. A law enforcement officer, correctional officer,
 4308 or correctional probation officer may not use a physical
 4309 examination from a former employing agency for purposes of
 4310 claiming the presumption set forth in s. 112.18 against the
 4311 current employing agency.

4312 Section 108. Subsection (2) of section 945.603, Florida
 4313 Statutes, is amended to read:

4314 945.603 Powers and duties of authority.—The purpose of the
 4315 authority is to assist in the delivery of health care services
 4316 for inmates in the Department of Corrections by advising the
 4317 Secretary of Corrections on the professional conduct of primary,
 4318 convalescent, dental, and mental health care and the management
 4319 of costs consistent with quality care, by advising the Governor
 4320 and the Legislature on the status of the Department of
 4321 Corrections' health care delivery system, and by assuring that
 4322 adequate standards of physical and mental health care for
 4323 inmates are maintained at all Department of Corrections
 4324 institutions. For this purpose, the authority has the authority

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4325 to:

4326 (2) Review and make recommendations regarding health care
 4327 for the delivery of health care services including, but not
 4328 limited to, acute hospital-based services and facilities,
 4329 primary and tertiary care services, ancillary and clinical
 4330 services, dental services, mental health services, intake and
 4331 screening services, medical transportation services, and the use
 4332 of advanced practice registered nurses ~~nurse practitioner~~ and
 4333 physician assistants ~~assistant personnel~~ to act as physician
 4334 extenders as these relate to inmates in the Department of
 4335 Corrections.

4336 Section 109. Paragraph (n) of subsection (1) of section
 4337 948.03, Florida Statutes, is amended to read:

4338 948.03 Terms and conditions of probation.—

4339 (1) The court shall determine the terms and conditions of
 4340 probation. Conditions specified in this section do not require
 4341 oral pronouncement at the time of sentencing and may be
 4342 considered standard conditions of probation. These conditions
 4343 may include among them the following, that the probationer or
 4344 offender in community control shall:

4345 (n) Be prohibited from using intoxicants to excess or
 4346 possessing any drugs or narcotics unless prescribed by a
 4347 physician, an independent advanced practice registered nurse, an
 4348 advanced practice registered nurse ~~practitioner~~, or a physician
 4349 assistant. The probationer or community controllee may not

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4350 knowingly visit places where intoxicants, drugs, or other
 4351 dangerous substances are unlawfully sold, dispensed, or used.

4352 Section 110. Subsection (2) of section 960.28, Florida
 4353 Statutes, is amended to read:

4354 960.28 Payment for victims' initial forensic physical
 4355 examinations.—

4356 (2) The Crime Victims' Services Office of the department
 4357 shall pay for medical expenses connected with an initial
 4358 forensic physical examination of a victim of sexual battery as
 4359 defined in chapter 794 or a lewd or lascivious offense as
 4360 defined in chapter 800. Such payment shall be made regardless of
 4361 whether the victim is covered by health or disability insurance
 4362 and whether the victim participates in the criminal justice
 4363 system or cooperates with law enforcement. The payment shall be
 4364 made only out of moneys allocated to the Crime Victims' Services
 4365 Office for the purposes of this section, and the payment may not
 4366 exceed \$500 with respect to any violation. The department shall
 4367 develop and maintain separate protocols for the initial forensic
 4368 physical examination of adults and children. Payment under this
 4369 section is limited to medical expenses connected with the
 4370 initial forensic physical examination, and payment may be made
 4371 to a medical provider using an examiner qualified under part I
 4372 of chapter 464, excluding s. 464.003(17) ~~464.003(16)~~; chapter
 4373 458; or chapter 459. Payment made to the medical provider by the
 4374 department shall be considered by the provider as payment in

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CODING: Words **stricken** are deletions; words **underlined** are additions.

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4375 full for the initial forensic physical examination associated
 4376 with the collection of evidence. The victim may not be required
 4377 to pay, directly or indirectly, the cost of an initial forensic
 4378 physical examination performed in accordance with this section.

4379 Section 111. Paragraph (i) of subsection (3) of section
 4380 1002.20, Florida Statutes, is amended to read:

4381 1002.20 K-12 student and parent rights.—Parents of public
 4382 school students must receive accurate and timely information
 4383 regarding their child's academic progress and must be informed
 4384 of ways they can help their child to succeed in school. K-12
 4385 students and their parents are afforded numerous statutory
 4386 rights including, but not limited to, the following:

4387 (3) HEALTH ISSUES.—

4388 (i) Epinephrine use and supply.—

4389 1. A student who has experienced or is at risk for life-
 4390 threatening allergic reactions may carry an epinephrine auto-
 4391 injector and self-administer epinephrine by auto-injector while
 4392 in school, participating in school-sponsored activities, or in
 4393 transit to or from school or school-sponsored activities if the
 4394 school has been provided with parental and physician
 4395 authorization. The State Board of Education, in cooperation with
 4396 the Department of Health, shall adopt rules for such use of
 4397 epinephrine auto-injectors that shall include provisions to
 4398 protect the safety of all students from the misuse or abuse of
 4399 auto-injectors. A school district, county health department,

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4400 public-private partner, and their employees and volunteers shall
 4401 be indemnified by the parent of a student authorized to carry an
 4402 epinephrine auto-injector for any and all liability with respect
 4403 to the student's use of an epinephrine auto-injector pursuant to
 4404 this paragraph.

4405 2. A public school may purchase a supply of epinephrine
 4406 auto-injectors from a wholesale distributor as defined in s.
 4407 499.003 or may enter into an arrangement with a wholesale
 4408 distributor or manufacturer as defined in s. 499.003 for the
 4409 epinephrine auto-injectors at fair-market, free, or reduced
 4410 prices for use in the event a student has an anaphylactic
 4411 reaction. The epinephrine auto-injectors must be maintained in a
 4412 secure location on the public school's premises. The
 4413 participating school district shall adopt a protocol developed
 4414 by a licensed physician for the administration by school
 4415 personnel who are trained to recognize an anaphylactic reaction
 4416 and to administer an epinephrine auto-injection. The supply of
 4417 epinephrine auto-injectors may be provided to and used by a
 4418 student authorized to self-administer epinephrine by auto-
 4419 injector under subparagraph 1. or trained school personnel.

4420 3. The school district and its employees, agents, and the
 4421 physician who provides the standing protocol for school
 4422 epinephrine auto-injectors are not liable for any injury arising
 4423 from the use of an epinephrine auto-injector administered by
 4424 trained school personnel who follow the adopted protocol and

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4425 | whose professional opinion is that the student is having an
 4426 | anaphylactic reaction:
 4427 | a. Unless the trained school personnel's action is willful
 4428 | and wanton;
 4429 | b. Notwithstanding that the parents or guardians of the
 4430 | student to whom the epinephrine is administered have not been
 4431 | provided notice or have not signed a statement acknowledging
 4432 | that the school district is not liable; and
 4433 | c. Regardless of whether authorization has been given by
 4434 | the student's parents or guardians or by the student's
 4435 | physician, a physician ~~physician's~~ assistant, an independent
 4436 | advanced practice registered nurse, or an advanced practice
 4437 | registered nurse ~~practitioner~~.
 4438 | Section 112. Paragraph (b) of subsection (17) of section
 4439 | 1002.42, Florida Statutes, is amended to read:
 4440 | 1002.42 Private schools.—
 4441 | (17) EPINEPHRINE SUPPLY.—
 4442 | (b) The private school and its employees, agents, and the
 4443 | physician who provides the standing protocol for school
 4444 | epinephrine auto-injectors are not liable for any injury arising
 4445 | from the use of an epinephrine auto-injector administered by
 4446 | trained school personnel who follow the adopted protocol and
 4447 | whose professional opinion is that the student is having an
 4448 | anaphylactic reaction:
 4449 | 1. Unless the trained school personnel's action is willful

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4450 and wanton;

4451 2. Notwithstanding that the parents or guardians of the
 4452 student to whom the epinephrine is administered have not been
 4453 provided notice or have not signed a statement acknowledging
 4454 that the school district is not liable; and

4455 3. Regardless of whether authorization has been given by
 4456 the student's parents or guardians or by the student's
 4457 physician, a physician ~~physician's~~ assistant, an independent
 4458 advanced practice registered nurse, or an advanced practice
 4459 registered nurse ~~practitioner~~.

4460 Section 113. Subsections (4) and (5) of section 1006.062,
 4461 Florida Statutes, are amended to read:

4462 1006.062 Administration of medication and provision of
 4463 medical services by district school board personnel.—

4464 (4) Nonmedical assistive personnel shall be allowed to
 4465 perform health-related services upon successful completion of
 4466 child-specific training by a registered nurse, an independent
 4467 advanced practice registered nurse, or an advanced practice
 4468 registered nurse ~~practitioner~~ licensed, registered, or certified
 4469 under part I of chapter 464; ~~7~~ a physician licensed pursuant to
 4470 chapter 458 or chapter 459; ~~7~~ or a physician assistant licensed
 4471 pursuant to chapter 458 or chapter 459. All procedures shall be
 4472 monitored periodically by a nurse, an independent advanced
 4473 practice registered nurse, an advanced practice registered nurse
 4474 ~~practitioner~~, a physician assistant, or a physician, including,

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4475 | but not limited to:

4476 | (a) Intermittent clean catheterization.

4477 | (b) Gastrostomy tube feeding.

4478 | (c) Monitoring blood glucose.

4479 | (d) Administering emergency injectable medication.

4480 | (5) For all other invasive medical services not listed in

4481 | this subsection, a registered nurse, an independent advanced

4482 | practice registered nurse, or an advanced practice registered

4483 | nurse ~~practitioner~~ licensed, registered, or certified under part

4484 | I of chapter 464;~~7~~ a physician licensed pursuant to chapter 458

4485 | or chapter 459;~~7~~ or a physician assistant licensed pursuant to

4486 | chapter 458 or chapter 459 shall determine if nonmedical

4487 | district school board personnel shall be allowed to perform such

4488 | service.

4489 | Section 114. Paragraph (c) of subsection (2) of section

4490 | 1006.20, Florida Statutes, is amended to read:

4491 | 1006.20 Athletics in public K-12 schools.—

4492 | (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

4493 | (c) The FHSAA shall adopt bylaws that require all students

4494 | participating in interscholastic athletic competition or who are

4495 | candidates for an interscholastic athletic team to

4496 | satisfactorily pass a medical evaluation each year prior to

4497 | participating in interscholastic athletic competition or

4498 | engaging in any practice, tryout, workout, or other physical

4499 | activity associated with the student's candidacy for an

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4500 interscholastic athletic team. Such medical evaluation may be
 4501 administered only by a practitioner licensed under chapter 458,
 4502 chapter 459, chapter 460, ~~or~~ s. 464.012, or s. 464.0125, and in
 4503 good standing with the practitioner's regulatory board. The
 4504 bylaws shall establish requirements for eliciting a student's
 4505 medical history and performing the medical evaluation required
 4506 under this paragraph, which shall include a physical assessment
 4507 of the student's physical capabilities to participate in
 4508 interscholastic athletic competition as contained in a uniform
 4509 preparticipation physical evaluation and history form. The
 4510 evaluation form shall incorporate the recommendations of the
 4511 American Heart Association for participation cardiovascular
 4512 screening and shall provide a place for the signature of the
 4513 practitioner performing the evaluation with an attestation that
 4514 each examination procedure listed on the form was performed by
 4515 the practitioner or by someone under the direct supervision of
 4516 the practitioner. The form shall also contain a place for the
 4517 practitioner to indicate if a referral to another practitioner
 4518 was made in lieu of completion of a certain examination
 4519 procedure. The form shall provide a place for the practitioner
 4520 to whom the student was referred to complete the remaining
 4521 sections and attest to that portion of the examination. The
 4522 preparticipation physical evaluation form shall advise students
 4523 to complete a cardiovascular assessment and shall include
 4524 information concerning alternative cardiovascular evaluation and

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4525 diagnostic tests. Results of such medical evaluation must be
 4526 provided to the school. A student is not eligible to
 4527 participate, as provided in s. 1006.15(3), in any
 4528 interscholastic athletic competition or engage in any practice,
 4529 tryout, workout, or other physical activity associated with the
 4530 student's candidacy for an interscholastic athletic team until
 4531 the results of the medical evaluation have been received and
 4532 approved by the school.

4533 Section 115. Subsection (1) and paragraph (a) of
 4534 subsection (2) of section 1009.65, Florida Statutes, is amended
 4535 to read:

4536 1009.65 Medical Education Reimbursement and Loan Repayment
 4537 Program.—

4538 (1) To encourage qualified medical professionals to
 4539 practice in underserved locations where there are shortages of
 4540 such personnel, there is established the Medical Education
 4541 Reimbursement and Loan Repayment Program. The function of the
 4542 program is to make payments that offset loans and educational
 4543 expenses incurred by students for studies leading to a medical
 4544 or nursing degree, medical or nursing licensure, or advanced
 4545 practice registered nurse ~~practitioner~~ certification or
 4546 physician assistant licensure. The following licensed or
 4547 certified health care professionals are eligible to participate
 4548 in this program: medical doctors with primary care specialties,
 4549 doctors of osteopathic medicine with primary care specialties,

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4550 physician ~~physician's~~ assistants, licensed practical nurses and
 4551 registered nurses, and advanced practice registered nurse
 4552 ~~practitioners~~ with primary care specialties such as certified
 4553 nurse midwives. Primary care medical specialties for physicians
 4554 include obstetrics, gynecology, general and family practice,
 4555 internal medicine, pediatrics, and other specialties which may
 4556 be identified by the Department of Health.

4557 (2) From the funds available, the Department of Health
 4558 shall make payments to selected medical professionals as
 4559 follows:

4560 (a) Up to \$4,000 per year for licensed practical nurses
 4561 and registered nurses, up to \$10,000 per year for advanced
 4562 practice registered nurses ~~nurse-practitioners~~ and physician
 4563 ~~physician's~~ assistants, and up to \$20,000 per year for
 4564 physicians. Penalties for noncompliance shall be the same as
 4565 those in the National Health Services Corps Loan Repayment
 4566 Program. Educational expenses include costs for tuition,
 4567 matriculation, registration, books, laboratory and other fees,
 4568 other educational costs, and reasonable living expenses as
 4569 determined by the Department of Health.

4570 Section 116. Subsection (2) of section 1009.66, Florida
 4571 Statutes, is amended to read:

4572 1009.66 Nursing Student Loan Forgiveness Program.—

4573 (2) To be eligible, a candidate must have graduated from
 4574 an accredited or approved nursing program and have received a

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4575 Florida license as a licensed practical nurse or a registered
 4576 nurse or a Florida certificate as an advanced practice
 4577 registered nurse ~~practitioner~~.

4578 Section 117. Subsection (3) of section 1009.67, Florida
 4579 Statutes, is amended to read:

4580 1009.67 Nursing scholarship program.—

4581 (3) A scholarship may be awarded for no more than 2 years,
 4582 in an amount not to exceed \$8,000 per year. However, registered
 4583 nurses pursuing a graduate degree for a faculty position or to
 4584 practice as an advanced practice registered nurse ~~practitioner~~
 4585 may receive up to \$12,000 per year. These amounts shall be
 4586 adjusted by the amount of increase or decrease in the Consumer
 4587 Price Index for All Urban Consumers published by the United
 4588 States Department of Commerce.

4589 Section 118. Except as otherwise expressly provided in
 4590 this act, this act shall take effect July 1, 2017.